

*St. Philip's Parsonage.*ST. PHILIP'S
PARSONAGE.

An Act to enable the Trustees of St. Philip's Church Sydney to lease a certain piece of land situate in the City of Sydney parish of St. Philip and to apply the rents and profits thereof. [21st February, 1884.]

Preamble.

WHEREAS by an Act passed in this Colony in the twenty-second year of the Reign of Her present Majesty intituled "*An Act to authorize the sale mortgage or exchange of the Parsonage in connection with the said Parish of St. Philip in Sydney and the providing of another Parsonage and for other purposes of the said Parish*" It was enacted that John Campbell George Kilgour Ingelow and John Alexander Mathews should hold certain land upon trust to sell and dispose of the same and should stand possessed of all moneys arising from every sale upon trust in the first instance to pay and apply the same or so much thereof as should be required for the purpose in the purchase of a proper site for a parsonage within the said parish with or without a house and offices thereon or otherwise as therein mentioned provided that any site so purchased should absolutely vest in the said Trustees as and for the Parsonage of the Church of St. Philip and the residence of the incumbent thereof for the time being upon the trusts and for the purposes declared in and subject to the provisions of the Act hereinafter mentioned in reference to lands appropriated as sites for dwelling-houses for Clergymen of the United Church of England and Ireland And whereas the said John Campbell George Kilgour Ingelow and John Alexander Mathews in exercise of the authority given to them by the hereinbefore in part recited Act sold the said certain land therein described And whereas by an indenture dated the sixth day of October one thousand eight hundred and sixty-nine and made between John Croft of the first part James Sutherland Mitchell of the second part and the said John Campbell and John Alexander Mathews thereafter called the Trustees (the said George Kilgour Ingelow being then dead) of the third part After reciting that the said Trustees in exercise of the authority given to them by the hereinbefore recited Act had contracted with the said John Croft for the sale to them of the land thereafter described It was witnessed that for the considerations therein mentioned the said John Croft did grant bargain sell and release all that parcel of land situated in the said City of Sydney parish of St. Philip county of Cumberland and Colony of New South Wales being the whole of allotments seven and eight and part of allotment number nine of section number three of the site of the old Military Barracks commencing on the eastern side of Clarence-street eighty-three feet two inches northerly from Margaret-street and bounded on the west by said Clarence-street bearing northerly fifty-four feet five inches on the north by Petty's Hotel being a line bearing easterly seventy-one feet seven inches on the east by a line bearing southerly forty-eight feet four inches and on the south by a line bearing westerly seventy-one feet six inches to the point of commencement Together with all the appurtenances unto and to the use of the said Trustees their heirs and assigns for ever as a site for a Parsonage of the United Church of England and Ireland erected in the parish of St. Philip in the City of Sydney aforesaid and known as St. Philip's Church and as and for the residence of the incumbent of the said Church for the time

St. Philip's Parsonage.

time being upon the trust and for the purposes declared in and subject to the provisions of an Act of the Governor and Legislative Council of the Colony aforesaid passed in the eighth year of the Reign of His late Majesty King William the Fourth number five in reference to lands appropriated as sites for dwelling-houses for Clergymen of the United Church of England and Ireland And whereas the said John Alexander Mathews (since deceased) resigned his office as Trustee with the consent of his co-Trustees in April one thousand eight hundred and seventy-five and the said John Campbell resigned his office in a like manner in or about the month of July one thousand eight hundred and eighty And whereas at three several meetings of pew and seat holders of the parish of St. Philip aforesaid held pursuant to due notice in that behalf given under the provisions of the said Act eighth William the Fourth number five on the twenty-sixth day of September one thousand eight hundred and sixty-five the twenty-fifth day of May one thousand eight hundred and seventy-five and the second day of August one thousand eight hundred and eighty respectively the said Alexander Stuart William Day and Charles Moore were respectively duly elected by the said pew and seat holders to be Trustees of the said Church of St. Philip and of the site of the Minister's dwelling and glebe land thereto belonging And whereas by section six of the said last-mentioned Act it is enacted "that the new Trustee to be nominated as aforesaid pursuant to this Act shall become jointly with the continuing or surviving Trustees or Trustee a Trustee of the site of the church or chapel or of the Minister's dwelling burial-ground or glebe land in respect whereof he shall be so nominated and that all such deeds and assurances shall be made and executed as shall be necessary legally to effectuate and complete his appointment as such new Trustee" And whereas by an indenture dated the second day of July one thousand eight hundred and eighty-three made between the said John Campbell of the one part and the said Alexander Stuart William Day and Charles Moore thereafter called the Trustees of the other part the said John Campbell did thereby grant and release unto and to the use of the said Trustees their heirs and assigns all and singular the said parcel of land and premises by the hereinbefore and thereinbefore recited indenture expressed to be granted bargained sold and released and all other if any the hereditaments and premises which were then by any means vested in the said John Campbell upon the trusts of the hereinbefore and thereinbefore recited indenture with their rights easements and appurtenances. And whereas a parsonage has been erected on another site in the said parish of St. Philip and the said piece or parcel of land is not required and never will be required for a site for a parsonage in the said parish of St. Philip and is now lying vacant and unoccupied And whereas under the provisions of an Act passed in this Colony in the thirtieth year of the reign of Her present Majesty intituled "*An Act to enable the Members of the United Church of England and Ireland in New South Wales to manage the Property of the said Church*" and of certain constitutions in the said Act mentioned and referred to the management and disposal of all Church of England property moneys and revenues not diverting any specifically appropriated or the subject of any specific trust nor interfering with any vested rights are placed under the control of the Synod of the Diocese of Sydney And whereas the said Alexander Stuart William Day and Charles Moore are desirous of granting a lease or leases of the said piece or parcel of land and it is expedient that power be given to them to lease the said piece or parcel of land and to apply the rents and profits to arise from such letting for the benefit of the said parish of St. Phillip And whereas the said objects cannot be obtained without an Act of the Legislature there being no power of
leasing

Walgett English Church and Parsonage Land Sale.

leasing the said piece or parcel of land vested in the said Alexander Stuart William Day and Charles Moore Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Power to lease.

1. It shall be lawful for the said Alexander Stuart William Day and Charles Moore or for the Trustees for the time being of the said piece or parcel of land to lease either the whole or any part of the said piece or parcel of land to any person or persons for any term of years not exceeding fifty years in possession and not in reversion or by way of future interest so as there be reserved in every such lease the best or most improved yearly rent than can be reasonably obtained to be incident to the immediate reversion without any fine foregift or other payment of like nature for the making thereof and so that there be contained in every such lease a condition of entry by the lessor for non-payment of rent or non-observance or non-performance of covenants by the lessee within a reasonable time to be therein specified and so that the lessee do execute a counterpart and do thereby covenant for payment of the rent thereby reserved and be not by any express words therein made dispunishable for waste Provided always that the said lease or leases shall in every case be subject to the approval of the said Synod of the Diocese of Sydney.

Rents and profits.

2. The said Alexander Stuart William Day and Charles Moore or the Trustees for the time being of the said piece or parcel of land shall stand possessed of the rents and profits and the annual income thereof upon such trusts and for such ends intents and purposes for the benefit of the said Parish of St. Philip as the said Trustees may from time to time with the consent of the said Synod determine.

Short title.

3. This Act may be cited as the "St. Philip's Parsonage Act of 1884."