

*St. Silas' Waterloo Surrender Ordinance 1949.*

No. 3, 1949.

AN ORDINANCE to authorise the surrender of a certain Lease in the Parish of St. Silas', Waterloo, to provide for the application of the consideration for such surrender and for purposes connected therewith.

WHEREAS:

- (a) By an Indenture of Lease dated 1st July 1868 and made between Sir Daniel Cooper and Thomas Buckland the Trustee of the Will of Daniel Cooper the Elder of the one part and James Ball of the other part registered number 61 Book 116 certain lands of which the lands hereinafter mentioned form part were leased to the said James Ball from the 1st January 1856 for the term of 99 years thence next ensuing.
- (b) By Indenture dated 10th June 1874 made between the said James Ball of the one part and Francis Peter McCabe of the other part registered Number 113 Book 144 the said lands were leased to the said Francis Peter McCabe for all the residue of the said term of 99 years subject as therein mentioned.
- (c) By Indenture dated 4th July 1885 made between the said Francis Peter McCabe of the one part and James Napoleon Manning and Thomas Crane of the other part registered Number 347 Book 394 (herein called the McCabe lease) the lands hereinafter described in the Schedule (hereinafter called the said land) were thereby demised unto the said James Napoleon Manning and Thomas Crane from the date thereof for the residue of the term of 99 years granted by the said Indenture of Lease of the 1st July 1868.
- (d) By Indenture of Under Lease dated 8th August 1888 made between the said James Napoleon Manning and Thomas Crane of the one part and George Anderson of the other part registered Number 696 Book 396 (hereinafter called the Under Lease) the said land was leased by way of under lease unto the said George Anderson from the 1st April 1885 for the rest of the term of 99 years except the last three days thereof at the yearly rent of £70.

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- (e) At the time of the execution of the McCabe Lease the said James Napoleon Manning and Thomas Crane were Incumbent and Churchwarden respectively of St. Silas' Church of England Waterloo and in such capacity became Lessees of such Lease as Trustees for the said Church.
- (f) By Indenture dated 16th August 1899 made between the said James Napoleon Manning of the one part and the Church of England Property Trust Diocese of Sydney of the other part registered Number 815 Book 649 after reciting the matters hereinbefore recited and the death of Thomas Crane the said James Napoleon Manning assigned and transferred unto the Trust the residue of the term created by the McCabe lease to have and to hold upon trust for the Incumbent and Churchwardens for the time being of St. Silas' Church of England Waterloo to be used and applied by them in connection with and for the purposes of the said Church as they should think fit.
- (g) The said Francis Peter McCabe during his lifetime acquired an estate in fee simple in the said land and transferred such estate to the said Thomas Sidney Douglas who is now the registered proprietor thereof under Certificate of Title Volume 4290 Folio 165 and by virtue thereof became entitled to the reversion of the McCabe Lease.
- (h) By various assignments and other instruments and ultimately by a Deed of Assignment dated 16th July, 1927, made between George Frederick Douglas Morgan and the said Thomas Sidney Douglas registered Number 411 Book 1479 the residue of the term created by the said Under Lease became vested in the said Thomas Sidney Douglas subject to the mortgage therein mentioned and the said Thomas Sidney Douglas and the Executors now are entitled to an unencumbered estate in the residue of the term created by the said Under Lease.
- (i) The Trust has agreed to surrender to the Executors of the said Thomas Sidney Douglas the McCabe lease subject to the passing of an Ordinance of Synod authorising such surrender.

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Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts of the McCabe lease it is expedient to surrender the same.

2. The Trust may carry into effect the said Agreement with such variations and modifications thereof as they may deem expedient and receive the consideration thereby provided.

3. The Trust may apply such consideration after providing for the costs and expenses of and incidental to the passing of this Ordinance and the said surrender upon the trusts in the said Indenture of the 16th August, 1899, registered No. 815 Book 649.

4. This Ordinance may be cited as the "St. Silas' Waterloo Surrender Ordinance 1949."

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THE SCHEDULE.

All that piece or parcel of land in the Parish of Alexandria, County of Cumberland bounded on the south west by the north east side of Botany Road commencing at its junction with the south side of John Street and bearing south easterly 65 ft. on the south east by a line north easterly parallel to John Street two chains and 98 links on the north east by Botany Street bearing north westerly 65 ft. and on the north west by John Street aforesaid and bearing south westerly two chains and 97 links to the point of commencement, being the land described in the abovementioned McCabe Lease.

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

W. G. HILLIARD, Bishop.

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this fourth day of May, 1949.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

4th May, 1949.