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*"The St. John's Parramatta Endowment Fund  
Ordinance 1935."*

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No. 18, 1935.

AN ORDINANCE to amend the St. John's Parramatta Endowment Fund Ordinance 1930 and for purposes incidental thereto.

WHEREAS by Declaration of Trust dated the fifteenth day of May One thousand eight hundred and ninety-four registered No. 23 Book 538 Walter Brown, Thomas Dixon, Henry Benjamin Hughes, Stephen John Pearson and Francis Thomas Watkins declared that they would hold certain moneys and property known as The St. John's Parramatta Endowment Fund and therein and herein referred to as "the said Fund" upon trust for investment as therein provided including the purchase of freehold hereditaments and upon trust to pay the net interest or other income arising from the said Fund to the Churchwardens of the Church of St. John Parramatta as a contribution towards the stipend of the Incumbent for the time being of the said Church.

AND WHEREAS the Trustees of the said Fund purchased inter alia the land described in the First Schedule hereto and hereinafter referred to as "Lot D."

AND WHEREAS in the year One thousand nine hundred and twenty-nine the Trustees of the said Fund entered into a contract to sell Lot D and under the said contract the purchase money for the said Lot D was payable by instalments over a period of five years from the date of the said contract.

AND WHEREAS by the St. John's Parramatta Endowment Fund Ordinance 1930 (hereinafter called the Principal Ordinance) it was ordained and declared by way of variation of the said trust that the whole or any part of the land described in the Schedule thereto might be mortgaged for the purposes and to the extent therein set forth and that the whole or any part of such land or buildings for the time being erected thereon might be let for terms not exceeding fifteen years and upon such terms and conditions and at such rents fixed or progressive as the said Trustees therein referred to should deem expedient Provided that no part of the said land or buildings should be let or used for the manufacture sale or distribution of any wines spirits beer or other intoxicating liquors nor for Sunday trading of any kind other than that of qualified chemists or cafes.

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AND WHEREAS in the year One thousand nine hundred and thirty the purchaser of Lot D under the contract of sale hereinbefore mentioned made default in the payment of the purchase money and in the year One thousand nine hundred and thirty-three the said Trustees cancelled the said contract and hold Lot D freed and discharged from any obligations thereunder.

AND WHEREAS it is desirable that the land described in the Second Schedule hereto being part of the land comprised in the Schedule to the Principal Ordinance and which adjoins the Church of St. John Parramatta should not be disposed of or dealt with except with the consent of the Archbishop or his Commissary.

AND WHEREAS it is expedient that the said Trustees should have power to grant building leases of the land comprised in the Schedule to the Principal Ordinance and of Lot D and that some of the provisions of the Principal Ordinance should apply to Lot D.

AND WHEREAS no mortgage has been raised on the land comprised in the Schedule to the Principal Ordinance or on Lot D nor have any buildings been erected thereon since the date of the Principal Ordinance.

AND WHEREAS the said Fund and the land comprised in the Schedule to the Principal Ordinance and the said Lot D are Church Trust Property.

AND WHEREAS by reason of circumstances subsequent to the creation of the Trusts to which the said Fund and the said land are for the time being subject it has become inexpedient to carry out and observe such Trusts in so far as the same are hereby varied and it is expedient to vary such Trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained.

NOW THEREFORE 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 to which the said Fund and the land comprised in the Schedule to the Principal Ordinance and Lot D are now subject it has become inexpedient to carry out or observe such Trusts to

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the extent to which the same are now varied by this Ordinance and it is expedient that such Trusts should be varied accordingly.

2. Clause 5 of the Principal Ordinance is amended as follows:—

- (1) By inserting after the words "fifteen years" the words "and for building lease or leases not exceeding forty years."
- (2) By inserting at the end thereof the following further proviso:—

"Provided that no building lease shall be granted in pursuance of this clause without the consent of the Archbishop of Sydney or his Commissary and a consent endorsed on any memorandum or instrument of lease signed by the said Archbishop or Commissary shall be conclusive proof that such consent has been given."

3. The provisions of clauses 3, 4, 5, 6, 7, 8 and 9 of the Principal Ordinance as amended by this Ordinance shall apply to Lot D as though the said Lot D had been included in the Schedule to that Ordinance.

4. The land comprised in the Second Schedule to this Ordinance shall not be leased mortgaged or otherwise dealt with by the said Trustees except with the consent in writing of the Archbishop or his Commissary and a consent endorsed on any memorandum or instrument of lease or mortgage or other dealing affecting the said land or any part or parts thereof and signed by the said Archbishop or Commissary shall be conclusive proof in favour of all persons dealing with the said land that such consent has been obtained.

5. This Ordinance may be cited as "The St. John's Parramatta Endowment Fund Ordinance 1935" and shall be read and construed with the Principal Ordinance.

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THE FIRST SCHEDULE.

Lot D of Hanleyville Estate with frontage to Hunter Street Parramatta as shown on Deposited Plan No. 15108.

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THE SECOND SCHEDULE.

Lot M of the Subdivision of the Hanleyville Estate shown on Deposited Plan No. 15108 except that portion thereof shown by red edging in Miscellaneous Plan of Subdivision (R.P.) registered No. 31760.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-fifth day of November, 1935.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

26th November, 1935.