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N.L.
1837

Commonwealth of Australia Gazette.

PUBLISHED BY AUTHORITY.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 74.]

CANBERRA, FRIDAY, 20TH NOVEMBER.

[1953.]

IN THE SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY.

No. S.C. 89 of 1953.

In the matter of Section 11A of the *City Area Leases Ordinance* 1936-1951 and

In the matter of an application by WARREN D'ARCY McDONALD to vary a provision and a covenant of his lease of Block 7 Section 1 at Griffith in the Australian Capital Territory in relation to the purpose for which the land subject to the lease may be used.

TAKE notice that this Honorable Court will be moved on Wednesday the twenty-third day of December One thousand nine hundred and fifty-three at ten o'clock in the forenoon or so soon thereafter as the course of business will permit on behalf of Warren d'Arcy McDonald the registered proprietor of the Crown Lease from the Commonwealth of Australia of Block 7 of Section 1 at Griffith in the Australian Capital Territory which Crown Lease is registered under the provisions of the *Real Property Ordinance* 1925-1951 of the said Territory Volume 12 Folio 1104 for an order that the provision of the said Crown Lease by virtue of which the said Block is granted to be used by the lessee for the following purposes only namely for the main purpose of a shop and for the subsidiary purpose of a residence in connexion therewith be varied by the omission therefrom of the words "for the main purpose of a shop and for the subsidiary purpose of a residence in connexion therewith" and the substitution therefor of the words "for the purposes of a shop or shops and/or a residence or residences and/or a storeroom or storerooms" and that the following lessee's covenant contained in subclause (e) of clause 1 of the said Crown Lease namely "To use the said land for the following purposes only namely for the main purpose of a shop and for the subsidiary purpose of a residence in connexion therewith" be varied by the omission therefrom of the words "for the main purpose of a shop and for the subsidiary purpose of a residence in connexion therewith" and the substitution therefor of the words "for the purposes of a shop or shops and/or a residence or residences and/or a storeroom or storerooms" and by the omission from paragraph (ii) of sub-clause (a) of Clause 3 of the words "the main purpose for which this lease is granted" and the substitution therefor of the words "the purposes of a shop or shops and/or a residence or residences and/or a storeroom or storerooms" and/or for such further or other order as to the Court may seem meet upon the grounds appearing in and by the affidavit of the said Warren d'Arcy McDonald sworn and filed herein.

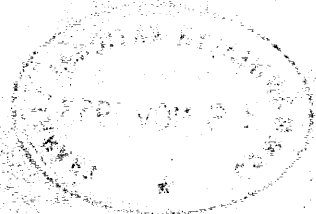
Dated this twentieth day of November 1953.

C. W. DAVIES & R. G. BAILEY,
Solicitors for the Applicant.

This notice of motion is taken out by C. W. Davies and R. G. Bailey of Melbourne Buildings, London Circuit, City, Canberra, Solicitors for and on behalf of Warren d'Arcy McDonald of Canberra and his address for service is the said address of the said C. W. Davies and R. G. Bailey.

NOTE: It is intended to serve a copy of this notice of motion on the Minister of State for the Interior of the Commonwealth of Australia.

Printed and Published for the GOVERNMENT of the COMMONWEALTH OF AUSTRALIA by
L. F. JOHNSTON, Commonwealth Government Printer, Canberra.



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