

---

*All Saints' Austinmer Sale Ordinance of 1937.*

---

No. 6, 1937.

AN ORDINANCE to authorise the sale of certain land situate at Boyce Avenue Austinmer in the County of Cumberland and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS Harry Caiger of Clifton Storekeeper is registered under the provisions of the Real Property Act 1900 as proprietor of all that piece of land situate at Austinmer in the Shire of Bulli Parish of Southend County of Cumberland containig thirty and one-quarter perches being Lot Twenty-nine as per Deposited Plan No. 8096 and being the whole of the land comprised in Certificate of Title dated the eighteenth day of January One thousand nine hundred and thirty-seven Volume 4817 Folio 36 AND WHEREAS amongst the reservations and conditions contained in the Crown Grant dated the eighteenth day of October 1839 are of all mines of gold and silver AND WHEREAS the said land is also subject to the following conditions as endorsed on such Certificate of Title namely Instrument of Transfer No. A 185979 contains a reservation unto George Boyce Allen Reginald Charles Allen Arthur Wigram Allen and Herbert Allen the transferees thereunder their heirs and assigns of all coal and other minerals and all metals (other than those reserved in the original Grant of the said land) lying and being in and under the land above described and in and under all roads streets lanes and rights of way or access as shown in the said Deposited Plan with liberty for the said transferrors their heirs and assigns from adjoining lands or otherwise to work for mine and carry away all such coal and other minerals and all metals and reserving also to the said Transferrors the heirs and assigns the right to work any other lands through the said land and to carry all coal and other minerals and metal gotten from such other lands through the said land but not with the right to enter upon or injure any portion of the surface of the land above described or any building thereon for the purposes aforesaid or any of them.

AND WHEREAS the land comprised in the said Certificate of Title was with another portion of land known as Lot 30 vested in the said Harry Caiger and William Edward Shaw such land being purchased by the said Harry Caiger and William Edward Shaw for the purpose of a rectory AND WHEREAS Lot 30 was sold by the said Harry Caiger and William Edward Shaw for the sum

---

*All Saints' Austinmer Sale Ordinance of 1937.*

---

of six hundred and twenty-five pounds and the purchase money in respect thereof was used for discharging the claim to the Original Vendors and also paying the necessary costs charges and expenses connected therewith as also the sum of thirteen pounds fifteen shillings and fourpence (£13/15/4) towards the new Rectory Fund AND WHEREAS the said William Edward Shaw died on the twenty-ninth day of September One thousand nine hundred and twenty-five and the said Harry Caiger is the surviving joint tenant so registered as aforesaid AND WHEREAS the land comprised in the said Certificate of Title is Church Trust Property AND WHEREAS a Rectory has been acquired on land adjoining the Church and there is a sum of two hundred and seventy pounds (£270) or thereabouts owing in respect of the same AND WHEREAS the land comprised in the said Certificate of Title is no longer required for the purpose of a Rectory AND WHEREAS it is expedient to sell the same being the whole of the land comprised in Certificate of Title under the provisions of the Real Property Act 1900 dated the eighteenth day of January One thousand nine hundred and thirty-seven Volume 4817 Folio 36 and more particularly described in the Schedule hereto Now 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 Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinances 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 in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the Trust it is expedient to sell the whole of the land comprised in Certificate of Title under the provisions of the Real Property Act 1900 dated the eighteenth day of January One thousand nine hundred and thirty-seven Volume 4817 Folio 36 and more particularly described in the Schedule hereto.

2. The said land may be sold by public auction or private contract either in one lot or in several lots at such time or times at such price or prices and upon such terms and conditions as the said Harry Caiger may deem expedient freed from any trusts expressed or implied relating to the said land.

3. The proceeds arising from such sale or sales after payment thereof of all rates taxes and other outgoings properly

---

*All Saints' Austinmer Sale Ordinance of 1937.*

---

chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer of the said land in pursuance thereof shall be applied by the said Henry Caiger in and towards the debt owing in respect of the Rectory adjoining the Church.

4. This Ordinance shall be styled and cited as "All Saints' Austinmer Sale Ordinance of 1937."

---

THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing by admeasurement thirty and one-quarter perches be the same more or less situate in the Shire of Bulli Parish of Southend and County of Cumberland and being Lot 29 on plan deposited in the Land Titles Office Sydney Number 8096 and being the whole of the land comprised in Certificate of Title dated the eighteenth day of January One thousand nine hundred and thirty-seven Volume 4817 Folio 36.

---

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-sixth day of July, 1937.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

28th July, 1937.