
*Church of England Homes (Glebe) Sale and/or
Leasing Ordinance, 1930.*

No. 10. 1930.

AN ORDINANCE to authorise the sale and/or leasing of certain land situate in the Municipality of The Glebe Parish of Petersham County of Cumberland and State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the said Property Trust) is registered under the provisions of the Real Property Act 1900 as the Proprietor of an Estate in fee simple in the whole of the land comprised in Certificate of Title dated the Nineteenth day of October 1899 Registered Volume 1297 Folio 95 and described in the first part of the First Schedule hereto AND WHEREAS the land described in the first part of the First Schedule hereto is held by the said Property Trust upon trust to permit the same to be used by the Church of England in the Diocese of Sydney in connection with the Institution known as the Church of England Homes Glebe Point near Sydney subject to the Constitution of the said Institution and any alteration thereof or any other constitution substituted therefor as appears by a certain Deed Poll or Declaration of Trust under the Common Seal of the said Property Trust dated the Fourteenth day of December One thousand nine hundred and twenty-eight AND WHEREAS by Deed of Conveyance bearing date the First day of September One thousand nine hundred and twenty-eight and made between John Douse Langley, Crosbie Blake Brownrigg and William Henry Crago therein described of the one part and the said Property Trust of the other part Registered Number 206 Book 1541 the land described in the Second part of the First Schedule hereto was conveyed unto the said Property Trust in fee simple upon and subject to the same trusts as are declared in and by the said Deed Poll or Declaration of Trust of the Fourteenth day of December One thousand nine hundred and twenty-eight in connection with the land described in the first part of the said First Schedule as appears by the said Deed of

Conveyance AND WHEREAS the said Property Trust is also registered under the provisions of the Real Property Act 1900 as the Proprietor of an estate in fee simple in certain other lands situate at Carlingford Parish of Field of Mars and County of Cumberland which said other lands are described in the first part of the Second Schedule hereto and the same lands are held by the said Property Trust upon and subject to the trusts aforesaid declared in and by the said Deed Poll or Declaration of Trust of the Fourteenth day of December One thousand nine hundred and twenty-eight AND WHEREAS the said Property Trust is also registered under the provisions of the Real Property Act 1900 as the proprietor of an estate in fee simple in certain other lands situate at Carlingford Parish of Field of Mars and County of Cumberland which said other lands are described in the second part of the Second Schedule hereto and the same lands are held by the said Property Trust upon trust to permit the same to be used by the Church of England in the Diocese of Sydney in connection with the institution known as the Church of England Homes Glebe Point near Sydney subject to the constitution of the said Institution or any alteration thereof or any other constitution substituted therefor and primarily as a site for homes for boys under the control and management of the said Institution and subject to the proviso therein contained as appears by a certain Deed Poll or Declaration of Trust under the Common Seal of the said Property Trust bearing date the Fourth day of April One thousand nine hundred and twenty-four AND WHEREAS the said Property Trust is also registered under the provisions of the Real Property Act 1900 as the Proprietor of an estate in fee simple in certain other lands situate at Carlingford Parish of Field of Mars and County of Cumberland which said other lands are described in the third part of the Second Schedule hereto and the same lands are held by the said Property Trust upon trust for the use of the Church of England in the Diocese of Sydney for the Institution known as The Church of England Homes Glebe Point near Sydney subject to its constitution or any alteration thereof or any other constitution substituted therefor to permit the same to be used primarily as a site for homes for boys under the control and management of the said Institution as appears by a certain

Deed Poll or Declaration of Trust under the Common Seal of the said Property Trust dated the Fourth day of April One thousand nine hundred and twenty-four AND WHEREAS there are now erected on the land described in the First Schedule hereto buildings which until recently were used by the said Church of England Homes as and for the purposes of Homes for Girls in accordance with the trusts declared in and by the said Declaration of Trust of the Fourteenth day of December One thousand nine hundred and twenty-eight and the said Deed of Conveyance of the First day of September One thousand nine hundred and twenty-eight respectively AND WHEREAS there are erected on certain parts of the lands described in the Second Schedule hereto buildings which are used by the said Church of England Homes as and for the purposes of Homes for Boys and Girls respectively in accordance with the trusts upon which the said lands are held by the said Property Trust. AND WHEREAS by reason of the fact that the district of the Glebe in which the lands described in the First Schedule hereto are situate is very closely populated and in close proximity to the City of Sydney and other closely populated areas it has been decided by the Committee of the said Church of England Homes that the said lands are not now suitable for the carrying out of the work of the said Institution and the whole of the work of the said Institution regarding the conduct of Homes for Boys and Girls is now carried on by the said Institution on the lands at Carlingford aforesaid described in the Second Schedule hereto and the said Institution has now no further use for the lands described in the First Schedule hereto and the buildings erected thereon AND WHEREAS the said Institution is indebted to the Estate of Herbert Evans deceased in the sum of £1,200 (being the balance of a sum of £1,800 advanced by the said Herbert Evans in his lifetime to the said Institution) together with interest thereon which said sum together with interest thereon is secured by a Memorandum of Mortgage under the provisions of the Real Property Act 1900 over the land comprised in Certificate of Title Registered Volume 2783 Folio 249 comprised in the first part of the second Schedule hereto AND WHEREAS the said Institution is also indebted to the Bank of New South

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Wales at its Newtown Branch in the sum of approximately £4,800 lent by the said Bank to the said Institution AND WHEREAS the said Institution is desirous of having the lands described in the First Schedule hereto sold and of applying the moneys to arise from the sale of such lands in or towards liquidating any of the liabilities of the said Institution and/or generally for the purpose of the carrying on of the work of the said Institution AND WHEREAS by the Church of England Homes (Glebe) Sale Ordinance 1929 the Committee of the said Institution was authorised to sell the land described in the Schedule to such Ordinance being the land comprised in Certificate of Title dated the 9th day of November 1912 Registered Volume 2313 Folio 20 but no sale of the said land has yet been effected AND WHEREAS pending the sales of the lands comprised in the First Schedule hereto and the land comprised in the Schedule to the Church of England Homes (Glebe) Sale Ordinance 1929 the Committee of the said Institution is desirous of leasing the said lands so that such lands shall produce income which the said Committee proposes to apply in payment of the rates and taxes and other outgoings payable in respect of such lands and generally for the purpose of carrying on the work of the said Institution Now therefore 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 Ordinance 1926 and in pursuance of the powers in that behalf conferred upon the said Synod by the Constitution for the management and good government of the Church of England in the State of New South Wales and of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to sell the lands described in the First Schedule hereto.

2. That the said lands described in the First Schedule hereto or any part or parts thereof may be sold by the Committee for the time being of the said Church of England Homes either by

Public Auction or Private Contract together or in lots and upon such terms and conditions and for such price or prices as the Committee for the time being of the said Church of England Homes with the approval of the said Property Trust shall determine and the said Property Trust is hereby authorised to execute a Transfer or Transfers and/or a Conveyance or Conveyances of the said lands or any part or parts thereof to the Purchaser or Purchasers thereof.

3. That the moneys to arise from the sale of the lands described in the First Schedule hereto or any part thereof shall be paid to the said Property Trust and such part of such moneys as shall be required for that purpose shall be applied in the payment of the costs fees and expenses of and incidental to this Ordinance and of and incidental to any sale or sales of the said lands or any part thereof made in pursuance of the powers hereby conferred and the balance of such moneys shall be applied by the said Property Trust in or towards payment to the person entitled to receive the same of the amount owing by the said Church of England Homes to the Estate of the said Herbert Evans deceased to discharge the Mortgage over the land comprised in the said Certificate of Title Registered Volume 2793 Folio 249 and/or in or towards payment of the amount owing by the said Church of England Homes to the said Bank of New South Wales and the residue of such balance after payment or provision for the payment of the amounts for the time being owing to the Estate of the said Herbert Evans deceased and to the said Bank of New South Wales respectively shall be paid by the said Property Trust to the Treasurer for the time being of the said Church of England Homes to be applied and utilised by the Committee for the time being of the said Church of England Homes in its discretion in and towards the carrying on and the continuing of the work of the said Institution including the payment of the cost of the erection of buildings upon any part of the lands described in the Second Schedule hereto or upon any other lands which may for the time being be held upon trust for the said Institution Provided always that if the balance of the said moneys for the time being available after the payment of the said costs fees and expenses shall not be sufficient to pay

in full the moneys for the time being owing to the Estate of the said Herbert Evans deceased and the said Bank of New South Wales the Committee for the time being of the said Church of England Homes shall be at liberty to determine which of such creditors shall be paid first and/or what proportion of such balance shall be paid to such creditors respectively.

4. That pending the sale of the lands described in the First Schedule hereto and the land comprised in the Schedule to the Church of England Homes (Glebe) Sale Ordinance 1929 such lands or such part thereof as shall from time to time remain unsold and the buildings and other improvements erected thereon may be leased by the Committee for the time being of the said Church of England Homes to any person persons or corporation for any term not exceeding three years at the best rent that can reasonably be obtained for the same and generally upon such terms and conditions as the Committee for the time being of the said Church of England Homes shall determine and the said Property Trust is hereby authorised to execute a lease or leases of the said lands or any part or parts thereof to the Lessee or Lessees thereof.

5. That the rents profits and income to arise in respect of the leasing of the lands referred to in Clause 4 of this Ordinance or any part thereof shall be paid to the Treasurer for the time being of the Church of England Homes and shall be applied by the Committee for the time being of the said Church of England Homes firstly in payment of all rates taxes and other outgoings payable in respect of the said lands or any part thereof insofar as such rates taxes and other outgoings may be payable by the said Church of England Homes or the said Property Trust and the balance of such rents profits and income shall be applied and utilised by the said Committee for the benefit of the said Church of England Homes whether in payment of any debts or liabilities of the said Institution or otherwise howsoever as the said Committee shall determine.

6. This Ordinance shall be styled and cited as the "Church of England Homes (Glebe) Sale and/or Leasing Ordinance 1930."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

FIRST PART.

All that piece of land situate in the Municipality of the Glebe Parish of Petersham and County of Cumberland containing Three roods thirty-four and three-quarter perches or thereabouts being Lots 10 and 11 Deposited Plan 3577 being irregular in shape and having a frontage to Avona Avenue and being the whole of the land comprised in Certificate of Title dated the 19th day of October 1899 Registered Volume 1297 Folio 95 and shewn on the plan endorsed on the said Certificate of Title and therein edged red.

SECOND PART.

All that piece or parcel of land situate at Glebe Point in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less containing by admeasurement Two roods fourteen and three-quarter perches more or less being Lots Seven Eight and Nine of Avona Estate Subdivision and forming part of William Dumaresq's Northern Grant of Eighteen acres Commencing at a point on the North-western building line of Forsyth Street at its intersection with the North-eastern side of a lane Twenty feet wide said commencing point being distant North Forty-five degrees Thirty-nine minutes East One hundred and forty-five feet from the intersection of the said North-west building line of Forsyth Street with the North-east building line of Glebe Point Road and bounded thence on the South-east by part of the North-western building line of Forsyth Street bearing North Forty-five degrees Thirty-nine minutes East One hundred and forty-five feet to its intersection with the South-western side of Avona Avenue thence on the North-east by the South-western side of that Avenue bearing North Forty-four degrees Thirty-seven minutes West One hundred and eighty-one feet one and three-quarter inches thence on the North-west by a line partly running along a fence and partly along the North-west side of a brick wall and bearing South Forty-five degrees Twenty-three minutes West One hundred and forty feet seven inches and thence on the

South-west by the North-eastern side of the lane Twenty feet wide aforesaid bearing South Forty-three degrees Twelve and a half minutes East One hundred and eighty feet six inches to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

FIRST PART.

All those pieces or parcels of land situate in the County of Cumberland and Parish of Field of Mars being the whole of the lands comprised in the following Certificates of Title namely:—

Certificate of Title dated the 15th day of February 1929
Registered Volume 4248 Folio 239.

Certificate of Title dated the 21st day of October 1898
Registered Volume 1262 Folio 205.

Certificate of Title dated the 9th day of October 1917
Registered Volume 2793 Folio 78.

Certificate of Title dated the 15th day of February 1929
Registered Volume 4248 Folio 238; and

Certificate of Title dated the 1st day of September 1917
Registered Volume 2783 Folio 249.

SECOND PART.

All that piece or parcel of land situate in the County of Cumberland and Parish of Field of Mars being the whole of the land comprised in Certificate of Title dated the 17th day of June 1884 Registered Volume 700 Folio 22.

THIRD PART.

All that piece or parcel of land situate in the County of Cumberland and Parish of Field of Mars being the whole of the land comprised in Certificate of Title dated the 6th day of February 1911 Registered Volume 2121 Folio 166,

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

A. J. GOULD,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-ninth day of September, 1930.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,
Bishop Coadjutor, Commissary.

1st October, 1930.