

*Randwick Land Sale.*

2/1988

AN ORDINANCE to authorise the sale of land situate at Avoca Street Randwick in the County of Cumberland and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof

WHEREAS by Crown Grant dated the thirtieth day of April one thousand eight hundred and fifty-eight registered number 3 page 58/2 under the hand of Sir William Thomas Denison Captain General and Governor-in-Chief of New South Wales and its dependencies ALL THAT piece of land described in the Schedule hereto was granted unto Joseph Burdekin Holdsworth Simeon Henry Pearce and Samuel Hebblewhite being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of New South Wales made and passed in the eighth year of the reign of his late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" To HOLD unto the said Joseph Burdekin Holdsworth Simeon Henry Pearce and Samuel Hebblewhite their heirs and assigns for ever UPON TRUST for the appropriation thereof as the site of a dwelling-house garden and other appurtenances for the clergyman duly appointed to officiate in the Church of the United Church of England and Ireland as by law established erected at Randwick aforesaid in conformity with the provisions of the said Act and of a certain other Act made and passed in the seventh year of the reign of his late Majesty King William the Fourth and intituled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of ministers of religion in New South Wales" so far as the same may apply to the trusts of the said Grant and for no other purposes whatsoever and subject also to the further provisions therein contained AND WHEREAS the said Joseph Burdekin Holdsworth Simeon Henry Pearce and Samuel Hebblewhite subsequently died and other Trustees were appointed AND WHEREAS the present Trustees are George Wall William George Whiting and Arthur Scott AND WHEREAS it has become inexpedient to carry out or observe the particular purpose to which the said land described in the Schedule hereto is by the said trusts devoted AND WHEREAS it is expedient that the said lands should be sold and the proceeds of such sale be applied in manner hereinafter provided THE SYNOD OF THE DIOCESE OF SYDNEY in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New

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South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" or otherwise ordains directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said trusts it has become inexpedient to carry out or observe the particular purpose to which the said land was by the said trusts devoted.

2. The land described in the Schedule hereto may be sold by public auction or private contract either in one lot or several lots at such price or prices and upon such terms and conditions as the said George Wall William George Whiting and Arthur Scott or the trustees for the time being (hereinafter designated the said Trustees) may deem expedient freed from any trust whatsoever.

3. The purchase money arising from the said sale or sales shall be paid to the said Trustees and (after payment thereof of the expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof) shall be invested as hereinafter mentioned.

4. The purchase money as aforesaid may be invested by the said Trustees in any stocks funds or securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States in the said Commonwealth or on mortgage of freehold properties in New South Wales with power from time to time to vary any such investments for any other or others of them and pending such investments may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney and the annual income arising from any such investment shall be applied in the first instance to the improvement maintenance and repair of Saint Jude's Rectory as aforesaid and the balance shall be paid to the Rector for the time being of Saint Jude's Church Randwick aforesaid.

5. Upon any sale or sales made in pursuance of this Ordinance the receipt of the said Trustees for the purchase money shall effectually discharge the purchaser or purchasers from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.

6. This Ordinance shall be styled and cited as the "Saint Jude's Randwick Sale Ordinance of 1908."

[SCHEDULE.

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**THE SCHEDULE REFERRED TO.**

ALL that piece or parcel of land containing two roods being the land granted to Joseph Burdekin Holdsworth Simeon Henry Pearce and Samuel Hebblewhite on the thirteenth day of April one thousand eight hundred and fifty-eight situated in the Municipality of Randwick Parish of Alexandria County of Cumberland and State of New South Wales commencing at the north-easterly corner of the Post Office property being a point on the north-westerly building line of Avoca-street bearing twenty-one degrees thirty minutes and distant one hundred and twenty-six feet and three-quarters of an inch from the intersection of that boundary with the northerly building line of Allison-street and bounded thence by the north-easterly boundary of the Post Office property aforesaid north-westerly for one hundred and seventy-eight feet two and one-half inches thence by the cemetery lands three hundred and sixty degrees for seventy-six feet ten and a half inches thence by the cemetery and the church lands ninety degrees for two hundred and twenty-one feet nine inches to Avoca-street aforesaid and thence by part of the north-westerly building line of that street south-westerly for one hundred and fifty-two feet nine and one-half inches to the point of commencement be the said several dimensions a little more or less.

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