

APPENDIX No. 53.

8

ORDINANCE. ROCKDALE MISSION CHURCH AND
PARISH HALL LAND SALE.

(As Passed.)

AN ORDINANCE to authorise the sale of certain lands situated at Rockdale in the Parish of St. George County of Cumberland and the demolition taking down and removal or sale of the buildings erected thereon together with the appointments and to provide for the application of the proceeds of sale thereof.

WHEREAS by Memorandum of Transfer under the Real Property Act Registered No. 259987 certain lands and hereditaments situated at Rockdale in the Parish of St. George County of Cumberland as more particularly described in the First Schedule hereunder written were transferred by James Thomas Tillock to the Reverend Arthur Killworth John Thomas Walker Thomas

Eatherley John Allen and Richard Atkinson Price as joint tenants AND WHEREAS the said Thomas Eatherley died on the 16th day of November 1904 AND WHEREAS the said John Allen died on the 7th day of February 1916 AND WHEREAS the said lands and hereditaments have since the acquisition thereof been held UPON TRUST to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England at Rockdale aforesaid AND WHEREAS by Declaration of Trust dated the 23rd day of July 1918 the said Arthur Killworth John Thomas Walker and Richard Atkinson Price declared that they held the said land upon the trusts aforesaid AND WHEREAS a Church Building for the use of the Church of England in the Mission District of St. John Rockdale has been erected on the said land AND WHEREAS by Memorandum of Transfer under the Real Property Act Registered No. 308191 certain land and hereditaments situated at Rockdale aforesaid as more particularly described in the Second Schedule hereunder written were transferred by the said James Thomas Tillock to the said John Allen Thomas Eatherley John Thomas Walker and Richard Atkinson Price as joint tenants AND WHEREAS the said lastmentioned land and hereditaments have since the acquisition thereof been held UPON TRUST to permit the same to be used for the erection thereon of a Parish Hall in connection with the Church of England in the said Mission District of St. John Rockdale AND WHEREAS by a Declaration of Trust dated the 23rd day of July 1918 the said John Thomas Walker and Richard Atkinson Price declared that they held the said lands described in the Second Schedule hereto upon the trusts last aforesaid. AND WHEREAS a Parish Hall has been erected on the said land described in the Second Schedule hereto AND WHEREAS the said lands described in the First and Second Schedules hereto have become and are now unsuitable for the purposes to which by the said trusts respectively the same are devoted AND WHEREAS a more suitable site for a Church Parsonage and Parish Hall has been found fronting Bay Street Rockdale AND WHEREAS by reason of circumstances subsequent to the creation of the trusts aforesaid it has become inexpedient to carry out or observe the particular purposes to which the said lands described in the First and Second Schedules respectively are devoted and it is expedient that the said lands and hereditaments described in the First and Second Schedules hereto should be sold as and when the Archbishop of Sydney approves of such sale AND WHEREAS it is expedient that the said buildings on the said lands or either of them should be taken down and rebuilt on the said lands fronting Bay Street Rockdale or on some other suitable site within the boundaries of the said Mission District or if needs be that the same or either of them should be sold

either together with such lands described in the First and Second Schedules hereto or separately AND WHEREAS it is expedient that the proceeds of the sale or sales of the said lands and hereditaments and of the said buildings (if sold) should 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 South Wales and of all powers vested in the said Synod by the Church of England Property Trust Act 1917 or otherwise declares and directs as follows :-

1. By reason of circumstances subsequent to the creation of the said trusts respectively it has become inexpedient to carry out or observe the particular purposes to which the said lands in the First and Second Schedules hereunder written are by the said trusts respectively devoted.

2. The Minister and Churchwardens for the time being of the Mission District of St. John Rockdale or other person or persons appointed by them shall and they are hereby authorised and empowered to demolish take down and remove from the lands described in the First and Second Schedules hereto the Church Building and Parish Hall as now erected thereon respectively or either of them together with the pews and other fittings and appointments now standing in the said Church Building and Parish Hall and to re-erect the said Church Building with the fittings and appointments and the said Parish Hall elsewhere within the boundaries of the said Mission District of St. John Rockdale to the intent that the same shall be used for a Church and Parish Hall or partly for one and partly for the other of such purposes in connection with the Church of England at Rockdale aforesaid.

3. The lands described in the First and Second Schedules hereto may at any time hereafter (with the approval of the Archbishop of Sydney) be sold by Public Auction or by private contract and either in one lot or in parcels and either with or without the buildings now erected thereon or either of them at such price or prices and upon such terms and conditions as the Minister and a majority of the Churchwardens for the time being of the said Mission District may deem expedient freed and discharged from the said recited trusts and subject to such stipulations or conditions as such Minister and a majority of the Churchwardens may deem proper with power for them to buy in at any sale by auction and to rescind or vary any contract for sale and to enter into any new contract or contracts for the sale of the said lands or any part thereof

and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the said trustees of the said lands respectively are hereby authorised to execute and do all such transfers assurances and things as shall be necessary or expedient.

4. The proceeds arising from such sale or sales shall be paid to the Minister and Churchwardens of the Mission District of St. John Rockdale and shall be applied by them first in paying the expenses of and incidental to this Ordinance and the taking down and removal of the said buildings and the sale and transfer of the said lands. Secondly in repaying to the Trustees of the Sydney Church Endowment Fund all moneys due to the Trustees of the said Fund in respect of the lands hereby authorised to be sold and thirdly in or towards payment of the purchase money of the said land fronting Bay Street Rockdale or of any other lands within the boundaries of the Mission District of St. John Rockdale (with the approval of the Archbishop of Sydney) and in and towards the cost of the erection thereon of a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in the said Mission District of St. John Rockdale.

5. Any part of the moneys arising from such sale or sales not immediately required as aforesaid may be invested in Government or Real Securities in New South Wales or in the Commonwealth of Australia or on Fixed Deposits in any Bank.

6. This Ordinance shall be styled and cited as the "Rockdale Mission Church and Parish Hall Land Sale Ordinance of 1918."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece of land situated at Rockdale in the Parish of St. George and County of Cumberland containing thirty and one-quarter perches or thereabouts commencing on the North-western side of Rocky Point Road at the South-eastern corner of land of A. Morse and bounded thence on the North by part of that land being a fenced line bearing Westerly one hundred and forty-two feet one inch to the Illawarra Railway on the North-west by that Railway bearing South-westerly sixty feet on the South by a line bearing Easterly one hundred and forty-two feet one inch to Rocky Point Road aforesaid and on the South-east by the building line of that road bearing North-easterly sixty feet to the point of commencement being the whole of the land comprised in Certificate of Title Registered Volume 1211 Folio 57.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

All that piece of land situated in the Municipality of Rockdale Parish of St. George and County of Cumberland containing twenty and one-quarter perches or thereabouts commencing on the North-western side of Rocky Point Road at the South-eastern corner of land of A. Killworth and others and bounded thence on the North by that land bearing Westerly one hundred and forty-two feet one inch to the Illawarra Railway on the North-west by that Railway being a fenced line bearing South-westerly forty feet on the South by a line bearing Easterly one hundred and forty-two feet one inch to Rocky Point Road aforesaid and on the South-east by the building line of that Road bearing North-easterly forty feet to the point of commencement being the whole of the land comprised in Certificate of Title Registered Volume 1321 Folio 54.

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

E. W. MOLESWORTH,

Chairman of Committees.

We certify that this Ordinance was passed on 9th October, 1918.

E. CLAYDON | *Secretaries of*
W. R. BEAVER | *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

15th October, 1918.