
"St. Alban's Five Dock Sale Ordinance 1939."

No. 8, 1939.

AN ORDINANCE to authorise the sale of certain land situate in the Parish of St. Alban Five Dock and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS by Conveyance dated the Fifteenth day of May One thousand eight hundred and sixty-six Registered No. 614 Book 99 the land described in the First Schedule hereto (hereinafter called the said land) was conveyed by William Wright to the Bishop of Sydney his successors and assigns upon trust to permit the same to be used for the following purposes that is to say as to a portion thereof for the erection thereon of a Church for the celebration of divine worship according to the rites and ceremonies of the United Church of England and Ireland as by law established but subject to the provisions of the Act of the Governor and Legislative Council of New South Wales passed in the eighth year of the reign of His 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" And as to another portion thereof upon trust to permit and suffer the same to be used for the erection of a school for the purpose of educating therein young persons according to the principles of the said United Church of England and Ireland and according to such rules and regulations as might from time to time be prescribed by the Denominational School Board of New South Wales or by any other authority in which by law the functions of the said Board may hereafter be vested And as to further portion of the said land upon trust to permit the same to be used for the erection of a residence for the master or head teacher for the time being of the said school And as to the residue of the said land upon trust to hold the same for such purposes as might be consistent with the trusts and purposes hereinbefore declared And upon and for no other trust intent or purpose whatsoever.

AND WHEREAS the Church of St. Alban at Five Dock is erected partly on part of the said land.

AND WHEREAS it is expedient that the said land should be vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees).

AND WHEREAS the Commonwealth Bank of Australia (hereinafter called the said Bank) is the registered proprietor of certain land adjoining part of the boundary of the said land and has offered to buy that portion of the said land which is described in the Second Schedule hereto.

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AND WHEREAS by reason of circumstances subsequent to the acquisition of the land described in the First Schedule hereto and the creation of the Trusts thereof it is expedient to vary the said Trusts in manner hereinafter appearing.

Now the Standing Committee of the Diocese of Sydney in the name and place of the said Synod Ordains and Declares as follows:—

1. The Standing Committee hereby consents to the said land being vested and the same is vested accordingly in the Corporate Trustees.

2. By reason of circumstances subsequent to the acquisition of the said last mentioned land and the creation of the Trusts thereof it has become inexpedient to carry out and observe such Trusts in so far as such Trusts are hereby varied.

3. The Corporate Trustees are hereby authorised to sell the land described in the second schedule hereto to the Commonwealth Bank of Australia at a price to be fixed by the Corporate Trustees.

4. The proceeds of the said sale shall stand charged with the payment of the costs charges and expenses of and incidental to this Ordinance and the said sale in so far as the same shall not be paid by the said Bank and subject thereto such proceeds shall be applied in paying off so far as such proceeds will permit the debts of the said parish in respect of the Church.

5. This Ordinance may be cited as "St. Alban's Five Dock Sale Ordinance 1939."

THE FIRST SCHEDULE.

ALL THAT parcel of land situate in the District of York Place and in that portion of the said District now known as Five Dock in the County of Cumberland in the State of New South Wales commencing at the north-east corner of a parcel of land containing one acre one rood and eight perches or thereabouts conveyed by one Henry Falwasser to John Budd by Indenture dated on or about the Twelfth day of May One thousand eight hundred and forty-one and which parcel of land hereby conveyed is thence bounded on the east by the Great North Road extending along the same in a south line forty feet thence in west line one hundred and fifty feet separating it from other part of the first mentioned parcel of land then north forty feet along other part

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of the said land to the northern boundary thereof and thence by such northern boundary separating it from land now or late belonging to I. Hewett one hundred and fifty feet to the commencing corner.

THE SECOND SCHEDULE.

ALL THAT piece or parcel of land situate at Five Dock in the Municipality of Drummoyne Parish of Concord County of Cumberland State of New South Wales being part of the land conveyed by William Wright to the Bishop of Sydney by Conveyance dated the Fifteenth day of May One thousand eight hundred and sixty-six Registered No. 614 Book 99 commencing at a point on the western building line of the Great North Road such point being the south-eastern corner of the land described in the said Conveyance and bounded thence on the east by the western side of the Great North Road being a line bearing northerly and distant eleven feet thence on the north by a line bearing westerly such line being parallel to the southern boundary of the land described in the said Conveyance and distant fifty feet thence on the west by a line bearing southerly and distant eleven feet to the southern boundary of the land described in the said Conveyance thence on the south by the southern boundary of the land described in the said Conveyance being a line bearing easterly and distant fifty feet to the point of commencement be the said several dimensions all a little more or less."

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 June, 1939.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

28th June, 1939.