

*St. Alban's Golden Grove Land Sale Ordinance 1940.*

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No. 1, 1940.

AN ORDINANCE to authorise the sale of certain land situate at Darlington in the Parish of Petersham County of Cumberland and State of New South Wales and providing for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the 24th day of October 1919 and made between John Penman Henry Carruthers John McLean Alfred Edward Lawrence Frank Johnston Daniel William McCoy Sidney Benjamin Medcalf Thomas Brown and Robert Robinson Trustees of the Methodist Church Darlington of the one part and Alexander Brown John Warren and Thomas Fox Trustees for the St. Alban's Church of England School Hall of the other part Registered Number 800 Book 466 the land described in the First Schedule hereto was conveyed and assured unto the said Alexander Brown John Warren and Thomas Fox in fee simple AND WHEREAS by Deed of Consent under the provisions of the Church of England Trust Property Act 1917 bearing date the twenty-first day of December 1938 Registered Number 933 Book 1834 the said Alexander Brown John Warren and Thomas Fox did consent that the land described in the First Schedule hereto should become and be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) AND WHEREAS the land described in the First Schedule hereto is Church Trust Property and erected thereon is a building used as a Parish Hall for the Provisional District of St. Alban Golden Grove AND WHEREAS the said Parish Hall is separated from the Church of St. Alban within the said Provisional District by some distance and it is desired to erect a Parish Hall on land now forming part of the grounds of such Church AND WHEREAS the land described in the Second Schedule hereto is by virtue of Deed of Consent bearing date the first day of August 1893 Registered Number 194 Book 520 and duly executed under the hands and seals of Freeman Pepper and William John Richardson a majority of the trustees for the time being of such land vested in the Property Trust, upon trust for and on behalf of the congregation of the St. Alban's Church Abercrombie Street Golden Grove as appears by a certain Deed Poll or Declaration of Trust under the hands and seals of the said Freeman Pepper and William John Richardson and one Thomas Alfred Harricks bearing date the 25th day of September

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1891] AND WHEREAS the Church of St. Alban is erected on the land described in the Second Schedule hereto but part of such land is available to permit of the erection thereon of a Parish Hall for the said District AND WHEREAS it is desired to sell the land described in the First Schedule hereto and to apply the net proceeds arising from such sale in or towards payment of the cost of the erection of a new Parish Hall either upon the land described in the Second Schedule hereto or upon other land approved of by the Archbishop of Sydney Now Therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers 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 constitutions for the management and good government of the Church of England within 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 trusts of the land described in the First Schedule hereto it is expedient to sell such land and the Property Trust or other the Trustee for the time being thereof is hereby authorised to sell the land described in the First Schedule hereto together or in lots for cash or on credit and for such price and subject to and upon such terms and conditions as the Property Trust shall determine.

2. The moneys to arise from the sale of the land described in the First Schedule hereto or any part or parts thereof shall be received by the Property Trust and shall be applied firstly in payment of the costs and fees of and incidental to this Ordinance and of and incidental to any sale or sales of the said land or any part thereof hereby authorised and the balance of such moneys together with the accumulations of the income arising from the investment thereof shall when required be paid to the Curate-in-Charge and Churchwardens of the Provisional District of St. Alban's Golden Grove or to the Rector and Churchwardens of any parish into or with which the said Provisional District shall be converted or incorporated and shall be applied in or towards payment of the cost of the erection on the land described in the Second Schedule hereto or some part thereof or on such other land as the Archbishop of Sydney may approve of a new Parish Hall for the purposes of the said Provisional District or

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any Parish into or with which the said Provisional District shall be converted or incorporated.

3. Pending the balance of the moneys referred to in the last preceding clause hereof being required for the purpose therein mentioned the Property Trust may invest the same and the resulting income thereof in any one or more of the investments following that is to say:—

- (a) Investments for the time being allowed by the law of any of the States of the Commonwealth of Australia for the investment of trust funds.
- (b) Fixed Deposit in any Bank carrying on business within the said Commonwealth.
- (c) Debentures of any Harbour Trust or Board of Works within the said Commonwealth.
- (d) Municipal Debentures of any State Capital.
- (e) Debentures of any Government Savings Bank within the said Commonwealth.

And the Property Trust may from time to time vary or release any of such investments and the income arising from such investments shall be accumulated by way of addition to the capital of the fund from which the same shall have proceeded.

4. This Ordinance shall be styled and cited as the "St. Alban's Golden Grove Land Sale Ordinance, 1940".

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THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land situate lying and being in the Parish of Petersham in the County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lot 23 Section 19 of the Golden Grove Estate as per plan prepared by F. H. Reuss Junior in September One thousand eight hundred and eighty Commencing at a point on the West side of Rose Street at its junction with a lane at the rear of Raglan Street and bounded on the east by Rose Street bearing northerly 55 feet 11 inches on the north by Lot 22 bearing westerly 80 feet on the west by a lane bearing southerly six feet eight inches and on the south-west by a lane bearing south-easterly 93 feet 1 inch to the point of commencement.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land situate lying and being in the Parish of Petersham County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lots Twenty-seven to thirty-one Section fifteen Golden Grove Estate as per plan by Mr. Reuss in One thousand eight hundred and eighty Commencing at a point on the south-east side of Abercrombie Street forty feet north-easterly from Codrington Street and bounded on the north-west by Abercrombie Street bearing north-easterly one hundred feet on the north-east by Lot twenty-six bearing south-easterly one hundred feet on the south-east by a lane bearing south-westerly one hundred feet and on the south-west by Lot Thirty-two bearing north-westerly one hundred feet to the point of commencement Exclusive of that portion of the land above described which has been sold by the said Trustees bounded as follows: Commencing at a point on the south-east side of Abercrombie Street forty feet north-easterly from Codrington Street and bounded on the north-west by Abercrombie Street bearing north-easterly thirty-four feet on the north-east by a line bearing south-easterly one hundred feet on the south-east by a lane bearing south-westerly thirty-four feet and on the south-west by Lot Thirty-two bearing north-westerly one hundred feet to the point of commencement.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 30th day of January, 1940.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

February 1, 1940.

I hereby certify that the printing contained on this and the three preceding pages is a true copy of the Ordinance passed by the Standing Committee of Synod, Diocese of Sydney, under the powers given to the said Standing Committee by the "Church of England Trust Property Act 1917" and assented to by me on the First day of February One thousand nine hundred and forty.