

No. 9, 1945.

AN ORDINANCE to declare certain trusts as to compensation moneys received for the resumption of certain lands situate at Ryde in the Parish of Hunter's Hill and County of Cumberland, also to authorise the sale of certain other lands situate as aforesaid and to provide for the application of the proceeds thereof and for certain other purposes.

WHEREAS by virtue of an Indenture of Conveyance bearing date the 8th day of May, 1839 made between James Devlin and Susannah Devlin of the first part Thomas Small and Priscilla Small of the second part and the Bishop of Australia of the third part Registered Number 501 Book P, the land and hereditaments described in the 1st Schedule hereto were together with certain other lands and hereditaments assured unto and to the use of the Bishop of Australia and his successors Bishops of Australia for ever subject to the annual quit rent payable to the Crown and to the other rights of the Crown.

AND WHEREAS by Declaration of Trust under the hand of John Charles Wright Archbishop of Sydney (thereinafter called the Trustee) dated the twenty-eighth day of November One thousand nine hundred and sixteen registered No. 846 Book 1255 it was declared that the said Trustee and his Successors Archbishops of Sydney were seized of the said land and hereditaments comprised in the First Schedule hereto upon trust to permit the same to be used for a site for a dwelling house for the Clergyman from time to time appointed to officiate as Rector in the Parish of St. Anne's Ryde but subject to the powers and provisions conferred by or contained in any Ordinance or Ordinances affecting the same or any part thereof and also subject to any sale or other disposition of any part of the said land theretofore made.

AND WHEREAS by an Ordinance of this Synod styled and cited as the "St. Anne's Ryde Land Leasing Ordinance 1910" being an Ordinance affecting the said land or part thereof it was provided that the said lands as aforesaid as described in the First Schedule hereto or any portion thereof might at any time thereafter and from time to time be demised or leased freed from the trusts therein before recited in the said Ordinance upon building or occupation leases or for such other suitable purpose

or purposes as the trustee thereof might determine and it was further provided that the rents profits and income payable under or derived from any such lease or leases as aforesaid should be held by the said Trustee after payment of expenses of the said Ordinance and any lease or leases and the formation of any roads or lanes upon trust to apply the same in or towards repairing and maintaining in repair or rebuilding the Rectory in connection with the said Parish or the outbuildings and fences used with the same and as to any portion of such rents and profits and income which should not in the opinion of the Trustee be required for such purposes upon trust to apply such portion for or towards the income or stipend of the Rector in charge of the said Parish.

AND WHEREAS in pursuance of the powers contained in the lastly recited Ordinance and by Indenture of Lease dated the ninth day of June, One thousand nine hundred and eleven Registered No. 509 Book 941 made between the Most Reverend John Charles Wright the then Archbishop of Sydney of the one part and the Bank of New South Wales of the other part the said the Most Reverend John Charles Wright demised and leased unto the Bank of New South Wales for the term of fifty years at and upon the rent and upon the terms and conditions therein contained all that piece of land more particularly described in the Second Schedule hereto and by Indenture of Lease dated the fourteenth day of October One thousand nine hundred and fifteen Registered No. 828 Book 1074 made between the Most Reverend John Charles Wright aforesaid of the one part and David More Anderson therein described of the other part the said the Most Reverend John Charles Wright demised and leased unto the said David More Anderson for fifty years from the thirtieth day of September One thousand nine hundred and fifteen at the rental and on and subject to the terms and conditions therein contained all that piece of land more particularly described therein part of which forms part of the land described in the Third Schedule hereto and by Indenture of Lease dated the twelfth day of September One thousand nine hundred and eighteen Reg. No. 526 Book 1171 made between the said the Most Reverend John Charles Wright aforesaid of the one part Arthur Stewart Barnes therein described of the second part the said David More Anderson of the third part the said the Most Reverend John Charles Wright aforesaid demised and leased unto the said David More Anderson for the term of fifty years from the thirteenth day of September One thousand nine hundred

and sixteen at the rental and upon and subject to the terms and conditions therein contained certain land situate as aforesaid being the remaining part of the land described in the Third Schedule and by Indenture of Lease dated the twenty-ninth day of August One thousand nine hundred and sixteen Registered No. 167 Book 1091 made between the Most Reverend John Charles Wright Archbishop of Sydney of the one part and Edmund Arthur Heap of the other part the said the Most Reverend John Charles Wright demised and leased unto the said Edmund Arthur Heap for the term of fifty years from the thirtieth day of June One thousand nine hundred and sixteen the land described in the first part of the Fifth Schedule hereto.

AND WHEREAS the Archbishop of Sydney for the time being is hereinafter referred to as the "Body Corporate."

AND WHEREAS by a Proclamation published in the Government Gazette on the twelfth day of July One thousand nine hundred and thirty-five the land described in the Second Schedule hereto (being portion of the land described in the First Schedule hereto) was resumed and there has been paid to the Body Corporate the sum of Nine hundred and thirty-seven pounds (£937) compensation moneys and the sum of One hundred and seventy pounds nineteen shillings and one penny (£170 19s. 1d.) being interest thereon.

AND WHEREAS by a Proclamation published in the Government Gazette on the seventeenth day of July One thousand nine hundred and thirty-six the land described in the Third Schedule hereto being portion of the land described in the First Schedule hereto was resumed and there was paid to the Body Corporate as compensation moneys the sum of Two hundred pounds (£200) together with the sum of Twenty-eight pounds seven shillings and four pence (£28 7s. 4d.) being interest thereon.

AND WHEREAS by Proclamation published in the Government Gazette on the fifth day of July One thousand nine hundred and thirty-five the land described in the First part of the Fourth Schedule hereto was resumed and an easement or right to use in any manner and for the purpose specified in sub-section (1) of Section 4 (a) of the Public Works Act 1912 as amended by the Public Works Port Kembla Electricity Act 1929 the surface and the sub-soil or under surface or inter alia the land described in the Second part of the Fourth Schedule hereto was resumed and there has been paid to the Body Corporate by way

of compensation moneys the sum of Two hundred and ninety-one pounds (£291) and the sum of Fifty-one pounds three shillings and three pence (£51 3s. 3d.) as interest.

AND WHEREAS the compensation moneys received as aforesaid amounted to One thousand four hundred and twenty-eight pounds (£1,428) together with Two hundred and fifty pounds nine shillings and eight pence (£250 9s 8d) interest thereon totalling One thousand six hundred and seventy-eight pounds nine shillings and eight pence (£1,678 9s. 8d.)

AND WHEREAS the sum of Seventeen pounds six shillings and eight pence (£17 6s. 8d.) was paid thereout for kerbing and guttering to the Local Municipal Council.

AND WHEREAS the sum of One thousand four hundred pounds (£1,400) out of the said One thousand four hundred and twenty-eight pounds (£1,428) has been invested.

AND WHEREAS the Church Wardens of St. Anne's Church Ryde have received up to the 31st day of March 1945 certain sums from the Body Corporate in lieu of ground rents for the lands resumed and on the said date the accumulation of income from the compensation moneys remaining amounted to One hundred and ninety pounds four shillings and six pence (£190 4s. 6d.).

AND WHEREAS at the said date the corpus of these trust moneys amounted to One thousand six hundred pounds seventeen shillings and ten pence (£1,600 17s. 10d.) (hereinafter referred to as "the said capital sum").

AND WHEREAS by reason of the resumptions hereinbefore recited it has become impossible or inexpedient to carry out or observe the trusts hereinbefore recited concerning the said lands so resumed and it is expedient to declare the trusts upon which the said capital sum is held.

AND WHEREAS there are erected on lands situate in Little Church Street Ryde Registered Volume 4723 Folio 225 in the name of the Church of England Property Trust Diocese of Sydney cottages numbered 2, 4, 6 and 8 Little Church Street Ryde the rents of which have been and are being paid to the said Church Wardens of St. Anne's Church Ryde.

AND WHEREAS a notice has been received by the Church of England Property Trust Diocese of Sydney from the Council of

*St. Anne's Ryde (Rectory) Resumption and Sale Ordinance, 1945*

the Municipality of Ryde requiring them to connect the said premises to the sewer of the Metropolitan Board of Water Supply and Sewerage.

AND WHEREAS it is expedient to provide for the carrying out of the said work.

AND WHEREAS the lands described in the Fifth Schedule hereto are part of the lands included in the hereinbefore recited Conveyance Registered No. 501 Book P and are subject to the trusts hereinbefore recited as being set out in the "St. Anne's Ryde Land Leasing Ordinance 1910."

AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to sell the said lands described in the Fifth Schedule hereto and to apply the proceeds of such sale in the manner hereinafter appearing. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod Ordains and declares as follows:—

1. By reason of the circumstances subsequent to the creation of the hereinbefore mentioned trusts it became and is impossible to carry out and observe such trusts in respect of the lands so resumed as aforesaid and it is expedient to vary the said trusts in so far as may be hereinafter necessary and to declare new trusts in respect of the said resumption moneys.

2. The said capital sum shall henceforth be held by the Body Corporate upon trust—

- (a) To pay the costs charges and expenses of and incidental to this Ordinance and the said Resumptions.
- (b) To pay a sum not exceeding Two hundred and fifty pounds (£250) to the Church Wardens of St. Anne's Church Ryde for the purpose of connecting to the sewer of the Metropolitan Water Sewerage and Drainage Board Numbers 2, 4, 6 and 8 Little Church Street Ryde and such other work as may be incidental thereto or necessary to comply with the requirements of the Council of the Municipality of Ryde and/or of the said Board.
- (c) To invest the balance of the said capital sum in the manner authorised by the "Investment of Church Trust Property Ordinance Number 1, 1944."

- (d) To apply the income received from the said investments in the manner following; in the recoupment of the amount paid pursuant to sub-clause. (b) hereof and thereafter to the Church Wardens of St. Anne's Church Ryde or to such other person or persons as shall seem to the Body Corporate expedient to be used on the same trusts as are declared concerning the rents proceeds and income from the lease or leases mentioned in St. Anne's Ryde Land Leasing Ordinance 1910 hereinbefore recited except as to the payment of expenses of and incidental to that Ordinance and the creation of the said leases and the construction of roads and lanes in such Ordinance mentioned.

3. By reason of the circumstances subsequent to the creation of the hereinbefore mentioned Trusts concerning the land comprised in the Fifth Schedule hereto it is expedient to sell the said land.

4. The said land or any portion or portions thereof may at any time hereafter and from time to time be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the said Body Corporate may deem expedient.

5. The purchase moneys arising from such sale or sales shall be held by the Body Corporate upon the following trusts:—

- (a) In payment of all outgoings properly chargeable against the said land or any part or parts thereof and of all costs charges and expenses of and incidental to the said sale or sales and the transfer or conveyance of the said land or any part or parts thereof.
- (b) To invest the balance of the said purchase moneys and to pay the income thereof to the Church Wardens of St. Anne's Church Ryde to be used in the same manner as is set out in sub-clause (d) of Clause 2 hereof.

6. This Ordinance may be cited as "St. Anne's Ryde (Rectory) Resumption and Sale Ordinance 1945."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO:—

All that piece or parcel of land situate lying and being in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less commencing at a point at the intersection of the south east building line of Devlin Street with the south-west building line of Parkes Street and bounded thence on the north-east by Parkes Street aforesaid bearing one hundred and twenty-two degrees one minute one hundred and forty-eight feet eight and one half inches thence on the south-east by a line bearing two hundred and eleven degrees twenty minutes fifty feet thence again on the north-east by a line bearing one hundred and twenty-two degrees one minute two hundred feet to Church Street thence again on the south-east by the said Church-street bearing two hundred and eleven degrees twenty minutes one hundred and ten feet thence on the south-west by a line bearing three hundred and two degrees one minute three hundred and thirty-nine feet and one half inch to Devlin Street and thence on the north-west by the said Devlin Street bearing twenty-seven degrees fifty three minutes one hundred and sixty feet five inches to the point of commencement and containing in area one acre and five and one quarter perches.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO:—

All that piece or parcel of land situate in the Municipality of Ryde Parish of Hunter's Hill County of Cumberland and State of New South Wales being part of the land in Conveyance No. 501 Book P commencing at the intersection of a south-eastern side of Devlin Street with a south-western side of Blaxland Road and bounded thence on the north-east by part of that side of that road bearing 122 degrees 40 seconds 60 feet thence on the south-east by a marked line bearing 207 degrees 54 minutes 10 seconds 150 feet 5½ inches to the north-eastern side of a private lane 10 feet wide thence on the south-west by part of that side of that lane bearing 302 degrees 2 minutes 30 seconds 60 feet to the south-eastern side of Devlin Street aforesaid thence on the north-west by part of that side of that street bearing 27 degrees 54 minutes 10 seconds 150 feet 4½ inches to the point of commencement — having an area of 33 perches or thereabouts.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO:—

All that piece or parcel of land situate in the Municipality of Ryde Parish of Hunter's Hill County of Cumberland and State of New South Wales being part of the land comprised in Conveyance Book P No. 501 commencing at a point on a south-western side of Blaxland Road being the easternmost corner of 33 perches of land resumed for the purposes of the Main Roads Act by notification in Government Gazette No. 128 of 12th July 1935 Folios 2796 and 2797 and bounded thence on the north-east by part of the south-western side of Blaxland Road aforesaid bearing south-easterly 54 feet thence on the south-east by part of the south-eastern boundary of land described in Indenture of Lease No. 526 Book 1171 bearing south-westerly 18 feet  $0\frac{1}{2}$  inch thence on the south-west by a line parallel to the south-western side of Blaxland Road aforesaid bearing north-westerly 35 feet  $6\frac{1}{2}$  inches thence again on the south-east by a line bearing south-westerly 132 feet  $3\frac{1}{2}$  inches to the north-eastern side of a private lane thence again on the south-west by part of that side of that lane bearing north-westerly 16 feet  $2\frac{1}{4}$  inches to the southernmost corner of the land resumed by the Gazette aforesaid thence on the north-west by the south-eastern boundary of that land bearing north-easterly 150 feet  $5\frac{1}{4}$  inches to the point of commencement — having an area of  $11\frac{1}{2}$  perches or thereabouts.

THE FOURTH SCHEDULE HEREINBEFORE REFERRED TO:—

FIRST PART:

All that piece or parcel of land situate in the Municipality of Ryde Parish of Hunter's Hill County of Cumberland and State of New South Wales being part of the land in Conveyance No. 501 Book P Commencing at a point on the south-eastern side of Devlin Street being the northernmost corner of the land in Certificate of Title Registered Volume 1659 Folio 176 and bounded thence on the north-west by part of that side of that Street bearing 27 degrees 54 minutes 10 seconds 246 feet  $4\frac{1}{2}$  inches to the north-eastern side of a private lane 10 feet wide thence on the north-east by part of that side of that lane bearing 122 degrees 2 minutes 30 seconds 40 feet  $1\frac{1}{2}$  inches thence on the south-east by a marked line bearing 207 degrees 54 minutes 10 seconds 247 feet  $9\frac{1}{2}$  inches to the north-eastern boundary of the land in Certificate of Title Registered Volume 1659 Folio 176 aforesaid thence on the south-west by part of that boundary of that land bearing 304 degrees 4 minutes 40 seconds 40 feet  $2\frac{1}{2}$  inches to the point of commencement — having an area of  $36\frac{3}{10}$ ths perches or thereabouts.

SECOND PART:

Also all that piece or parcel of land situate in the Municipality of Ryde Parish of Hunter's Hill County of Cumberland and State of New South Wales being part of the land in Conveyance Registered No. 501 Book P Commencing at a point on the north-eastern boundary of the land in Certificate of Title Registered Volume 1659 Folio 176 bearing and distant 124 degrees 4 minutes 40 seconds 40 feet 2 $\frac{1}{2}$  inches from the northernmost corner of that land and bounded thence on the north-west by a marked line bearing 27 degrees 54 minutes 10 seconds 247 feet 9 $\frac{3}{8}$  inches to the north-eastern side of a private lane 10 feet wide thence on the north-east by part of that side of the land bearing 122 degrees 2 minutes 30 seconds 4 feet 0 $\frac{3}{8}$  inches thence on the south-east by marked line bearing 203 degrees 19 minutes 40 seconds 49 feet 8 $\frac{3}{8}$  inches and 207 degrees 19 minutes 50 seconds 199 feet 0 $\frac{1}{4}$  inch to the north-eastern boundary of the land in Certificate of Title Registered Volume 1659 Folio 176 aforesaid thence on the south-west by part of that boundary of that land bearing 304 degrees 4 minutes 40 seconds 10 feet 0 $\frac{3}{8}$  inch to the point of commencement — having an area of 7  $\frac{6}{10}$ ths perches or thereabouts.

THE FIFTH SCHEDULE HEREINBEFORE REFERRED TO:

FIRST PART:

All that piece or parcel of land (being the land comprised in Indenture of Lease Registered No. 167 Book 1091) situate lying and being in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less commencing at a point on the south-west building line of Parkes Street bearing three hundred and two degrees nine minutes and distant Two hundred feet from its intersection with the north-west side of Church Street and bounded thence on the north-east by Parkes Street aforesaid being a line bearing Three hundred and two degrees nine minutes distant Thirty-four feet eight and one quarter inches thence on the north-west by a line bearing Two hundred and ten degrees five minutes distant One hundred and fifty feet one inch to the north-east side of a right of way ten feet wide thence on the south-west by the aforesaid right of way bearing One hundred and twenty-two degrees nine minutes distant thirty-one feet and three quarters of an inch thence on the south-east by a line bearing thirty-one degrees twenty-eight minutes distant one hundred and fifty feet to the point of commencement containing by admeasurement Eighteen perches and being Lots Five and Six St. Anne's Rectory Glebe.

*St. Anne's Ryde (Rectory) Resumption and Sale Ordinance, 1945*

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SECOND PART:

Also all those two pieces of land described in and included in Indentures of Lease dated respectively the 14th October 1915 Registered No. 828 Book 1074 and the 12th September 1918 Registered No. 526 Book 1171 excluding therefrom the portions thereof hereinbefore recited as having been resumed.

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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 29th day of October, 1945.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER,  
Bishop Coadjutor.  
Commissary.

October 31, 1945.