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*"St. Anne's (Ryde) School Land Sale and Building Ordinance 1935."*

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No. 1. 1935.

AN ORDINANCE to amend St. Anne's (Ryde) Glebe Leased Lands Sale Ordinance 1927 and to provide funds to purchase the outstanding leasehold interest in certain lands and the erection of a Parish and Sunday School Hall thereon And to authorise the sale of certain lands situated at Ryde in the County of Cumberland and to provide for the application of the proceeds thereof And to amend St. Anne's Ryde Land Leasing Ordinance 1910 And for purposes connected therewith.

WHEREAS by an Ordinance styled "St. Anne's (Ryde) Glebe Leased Lands Sale Ordinance 1927" certain lands comprising inter alia the lands described in the first schedule hereto were authorised to be sold and it was also provided that after payment out of the proceeds of any sales of certain amounts therein specified the net proceeds of the sale of the said lands should be invested and that the income after provision was made for certain annual payments should be accumulated and such accumulations should be added to the principal until such principal and accumulations should amount to the sum of Twenty thousand six hundred pounds (£20,600) or until otherwise determined by Synod AND WHEREAS by virtue of an Indenture of Lease and Release dated the eighth day of May One thousand eight hundred and thirty-nine made between James Devlin and Susanna Devlin his wife of the first part Thomas Small and Priscilla Small his wife of the second part and the Bishop of Australia of the third part registered No. 355 Book P the land and hereditaments described in the second Schedule hereto were assured unto and to the use of the said Bishop of Australia his successor Bishops of Australia for ever AND WHEREAS by Declaration of Trust under the hand of Frederick Lord Bishop of Sydney and Metropolitan dated the thirty-first day of August One thousand eight hundred and sixty-five and registered No. 302 Book 95 endorsed upon the said recited Indenture of Lease and Release the said Lord Bishop of Sydney declared that the land therein described was held IN TRUST for the site of a School House Master's Residence and appurtenances in connection with the Church of England and Ireland subject to the control and supervision of the Bishop of the Diocese for the time being and also to the rules and regula-

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tions of the Denominational School Board AND WHEREAS a School House and Master's Residence were erected on portion of the said land and the Master's Residence fell into disrepair and was demolished and the said School House remains and is in use as a Parish Hall and Sunday School Hall for the Parish of St. Anne's Ryde AND WHEREAS on account of the growth of the Parish of St. Anne the said School House has become inadequate to meet the needs of the Parish and it is desired to erect a new Parish and Sunday School Hall on portion of the said lands described in the first schedule hereto and for that purpose inter alia to exclude the said lands so described in the first schedule hereto from the operation of the aforesaid 1927 Ordinance and to buy in certain outstanding leasehold interests in such land so to be excluded and so far as necessary to demolish some of the buildings erected thereon AND WHEREAS by an Ordinance styled St. Anne's Ryde Land Leasing Ordinance 1910 it was provided inter alia that the land described in the third schedule hereto (being portion of the land described in the second schedule hereto) might be leased and the rents and profits therefrom after payment of certain amounts therein mentioned should be applied in the first place for or towards the maintenance of a Parochial School (if any) in the said Parish and should there be no such School then UPON TRUST to apply the same for or towards the income or stipend of the Rector of the said Parish or UPON TRUST to apply the same for such other purposes as the Synod should thereafter from time to time determine AND WHEREAS the said land described in the third schedule has not yet been so leased and the land is still unproductive AND WHEREAS by reason of the circumstances hereinbefore recited and of other circumstances arising subsequent to the creation of the trusts to which the lands referred to in the first second and third schedules hereto are subject it has become inexpedient to carry out and observe such trusts and it is expedient to vary the said trusts in the manner hereinafter appearing AND WHEREAS it is expedient that the said lands comprised in the said Indenture of Lease and Release registered Number 355 Book P being the land described in the second schedule hereto should be vested in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as "The said Property Trust.")

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

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1. The Standing Committee hereby consents to the lands comprised in the said Indenture of Lease and Release Registered Number 355 Book P being the land described in the second schedule hereto being vested and the same are hereby vested accordingly in the said Property Trust.

2. By reason of circumstances subsequent to the creation of the aforesaid Trusts contained in the said St. Anne's (Ryde) Glebe Leased Lands Sale Ordinance 1927 it is inexpedient to carry out and observe same in their entirety and it is expedient to vary the said Ordinance in manner hereinafter provided.

3. The "St. Anne's (Ryde) Glebe Leased Lands Sale Ordinance 1927" is hereby amended by excluding from the provisions thereof the lands described in the first schedule hereto.

4. The said Property Trust is hereby authorised to set aside as and when it may be necessary out of the "residue of the net proceeds of sale" referred to in Clause 3 (c) of the said last-mentioned Ordinance the sum of Three thousand eight hundred pounds (£3,800) to be applied by the said Property Trust as follows:—

- (a) To pay the costs charges and expenses of and incidental to this Ordinance.
- (b) To purchase the outstanding interest of the Lessee in the said last-mentioned Lands.
- (c) To pay the balance of the said sum of Three thousand eight hundred pounds (£3,800) to the Rector and Churchwardens for the time being of the Parish of St. Anne Ryde (whose receipt shall be a sufficient discharge therefor) to be applied by them for or towards the cost of erecting a Parish and Sunday School Hall on the said last-mentioned lands or part thereof including the cost of demolishing and removing any buildings on the said last-mentioned lands or part thereof which may be necessary for such purpose

5. The said last-mentioned lands shall be held upon trust to pay the rents income and profits arising from time to time therefrom to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge

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therefor) and to permit the said last-mentioned lands to be used for a Parish and Sunday School Hall and Parsonage or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of St. Anne Ryde.

6. By reason of circumstances subsequent to the creation of the trusts to which the lands comprised in the Second Schedule hereto are subject it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

7. The said last-mentioned lands and the building thereon either together or separately may at any time hereafter be sold and absolutely disposed of and the said building may be demolished or otherwise dealt with free from any trusts existing in respect of the same either by public auction or by private contract and either in one lot or in several lots and at such price or prices for cash or on terms and subject to such stipulations terms and conditions as the said Property Trust may deem proper and with power for the said Property Trust to buy in at any sale at auction or otherwise and to enter into rescind or vary any contract for sale and to enter into any new contracts for the sale of the said lands or any part or parts thereof and for all or any of the purposes aforesaid to execute and do all such contracts deeds transfers conveyances assurances and things as the said Property Trust shall think fit.

8. The net proceeds arising from the sale or sales of the said last-mentioned lands and the building thereon shall be paid to the said Property Trust and after payment thereof of the costs and expenses of and incidental to the said sale or sales shall be added to and be deemed to form part of the "residue of the net proceeds of sale" referred to in clause 3 (c) of the "St. Anne's (Ryde) Glebe Leased Lands Sale Ordinance 1927."

9. This Ordinance shall be styled and cited as "St. Anne's (Ryde) School Land Sale and Building Ordinance 1935."

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FIRST SCHEDULE.

All that piece of land situated in the Parish of Hunter's Hill County of Cumberland and State of New South Wales commencing at a point at the intersection of the South-eastern building line

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of Church Street with the South-western building line of George Street and bounded thence on the North-east by George Street aforesaid bearing South-easterly 194 feet 5 inches to the North-western building line of Little Church Street thence on the South-east by Little Church Street bearing South-westerly 144 feet 6 inches thence on the South-west by a line bearing North-westerly 195 feet 9 inches to the South-eastern building line of Church Street aforesaid thence on the North-west by Church Street bearing North-easterly 162 feet 5 inches to the point of commencement.

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SECOND SCHEDULE.

All that piece or parcel of land situated as aforesaid containing by estimation one acre and one rod being part of thirty acres of land to be known by the name of Small Farm lying and situate at the Eastern farms adjoining Jones' Farm which said one acre and one rod is bounded on the South by the road leading from Hunters Hill Church to Parramatta three chains fifty links on the East by land belonging to the said James Devlin two chains eighty-eight links on the North by land belonging to the said James Devlin three chains fifty links and on the West by a piece of ground reserved for a road two chains eighty-eight links.

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THIRD SCHEDULE.

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 Belmore Street with the north-east building line of Glebe Street and bounded thence on the south-west by Glebe Street aforesaid bearing ninety-four degrees forty-eight minutes one hundred and seventy three feet three and one-half inches thence on the south-east by a line bearing four degrees forty-eight minutes eighty-one feet eight and one-quarter inches thence again on the south-west by a line bearing ninety-four degrees forty-eight minutes one hundred and thirty-two feet five and one-half inches to a lane thence again on the south-east by the said lane bearing thirty-six degrees twenty-three

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minutes one hundred and forty-seven feet one and one-quarter inches thence on the north-east by a line bearing two hundred and eighty-four degrees three minutes one hundred and seventy-nine feet ten and one-half inches to Belmore Street aforesaid and thence on the north-west by Belmore Street aforesaid by lines bearing two hundred and eleven degrees forty-seven minutes seventy-three feet one and three-quarter inches and two hundred and thirty degrees one minute two hundred and forty-two feet four and one-half inches to the point of commencement and containing an area three roods twenty-two and one-half perches.

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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 fourth day of February, 1935.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

4th February, 1935.