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AN ORDINANCE to authorise the sale of land situate at Mona Vale in the Parish of Narrabeen County of Cumberland and State of New South Wales and more particularly described in the First Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance made the nineteenth day of March one thousand eight hundred and eighty-eight between George Osborne therein described of the one part and the Church of England Property Trust Diocese of Sydney thereafter and hereinafter designated "the said Trust" of the other part registered Number 207 Book 384 the land described in the First Schedule hereto was conveyed unto the said Trust and its successors unto and to the use of the said Trust and its successors for ever subject to the provisions of the Act Eighth William IV. Number Five upon trust for the erection thereon of one or more building or buildings for religious and education purposes according to the use of the Church in the said Act described as The United Church of England and Ireland and for all or any of the purposes provided for in the said Act and to be held managed and dealt with in such manner in all respects as the Synod of the Diocese should by Rule or Ordinance duly made and passed from time to time direct and appoint AND WHEREAS by reason of circumstances subsequent to the creation of the trusts hereinbefore recited it is expedient to sell the said land described in the First Schedule hereto Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and Ordinances of the Synod passed in the years one thousand nine hundred and eighteen and one thousand nine hundred and twenty-one appointing the Standing Committee for the purpose of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or

2 *St. John Baptist, Mona Vale, Sale, 1926.*

otherwise in the name and in the place of the said Synod ordains declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the hereinbefore recited trusts it is expedient to sell the land described in the first schedule hereto.

2. The land described in the first schedule hereto may be sold under and in pursuance of the Conditional Contract of Sale set out in the second schedule hereto freed from such trusts as aforesaid or failing the said Contract of Sale then the said land may at any time hereafter be sold by public auction or private contract either in one lot or in several lots at such price or prices and upon such terms and conditions as the said Trust may deem expedient freed from such trusts as aforesaid. Provided that no sale shall be made under and in accordance with the said conditional contract unless the purchaser also pays the costs charges and expenses of and incidental to a preceding agreement dated 20th March 1925 for the sale of the said lands to the same purchaser and to the application in connection therewith.

3. The said Trust shall execute the Deed or Deeds necessary for the purpose of carrying any such sale as aforesaid into effect.

4. The purchase money arising from the said sale or sales shall be paid to the said Trust and in the event of the said Contract of Sale not being completed after payment thereof of the costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof shall in any event be applied in effecting repairs to the Church of Saint John Baptist at Mona Vale.

5. This Ordinance shall be styled and cited as the "St. John Baptist Mona Vale Sale Ordinance 1926."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land containing by admeasurement one acre or thereabouts situated in the Parish of Narra-been County of Cumberland State of New South Wales being part of the Bassett Darley Estate Pittwater Commencing on the South Western side of the Bay View Road at its intersection

with the North Western boundary of the Bassett Darley Estate and bounded on the North East by the Bay View Road bearing South Easterly three hundred and sixty-nine links and forty and one half links in all four hundred and nine and a half links on the South East by a line bearing South sixty-seven degrees West five hundred and six links and on the North West by part of the North West boundary of the Bassett Darley Estate bearing North thirty degrees twenty minutes East six hundred and seventy-nine links to the point of commencement being the whole of the land comprised in Conveyance made the nineteenth day of March one thousand eight hundred and eighty-eight between George Osborne of the one part and the Church of England Property Trust Diocese of Sydney of the other part Registered Number 207 Book 384.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

Conditional Contract of Sale made this twenty-fourth day of March in the year of Our Lord One Thousand nine hundred and twenty-six between Nathan Middleton Lloyd of Narrabeen near Sydney in the State of New South Wales Clerk in Holy Orders Rector of the Parish of St. Faith's Narrabeen and St. John Baptist Mona Vale Pittwater near Sydney aforesaid and James Ray of Narrabeen aforesaid Schoolmaster and William Josiah Worth of Narrabeen aforesaid Builder and Contractor the Churchwardens of the said Parish Churches (hereinafter called the Vendors) of the one part and John Orr of Mona Vale near Sydney aforesaid Sheep Farmer (hereinafter called the Purchaser) of the other part whereby the Vendors agree to sell and the Purchaser agrees to purchase all that piece or parcel of land containing by admeasurement one acre or thereabouts situated in the Parish of Narrabeen County of Cumberland State of New South Wales being part of the Bassett Darley Estate Pittwater commencing on the South-western side of the Bay View Road at its intersection with the North-western boundary of the Bassett Darley Estate and bounded on the North-east by the Bay View Road bearing South-easterly three hundred and sixty-nine links and forty and one-half links in all four hundred and nine and a half links on the South-east by a line bearing South sixty-seven degrees West five hundred and six links and on the North-

west by part of the North-west boundary bearing North thirty degrees twenty minutes East six hundred and seventy-nine links to the point of commencement for the sum of one hundred pounds payable by a deposit of three pounds on the signing hereof and the balance thereof in cash on completion of this agreement subject to the following conditions:—

1. This sale is made subject to the approval of the Synod of the Diocese of Sydney aforesaid or the Standing Committee thereof or of any other Church Authorities which shall be requisite. Such approval to be obtained by the Vendors who shall notify the Purchaser when same has been obtained and this sale shall then be completed.

2. If such approval be not obtained within three calendar months from the date hereof the Vendors shall if requested by the Purchaser rescind this agreement and return the deposit to the Purchaser and hereupon neither party hereto shall have any claim whatever upon the other party hereto.

3. The Purchaser shall pay all the costs charges and expenses of and incidental to this Agreement and the application to the said Synod Standing Committee or Church Authorities for its or their approval of the said sale and the Conveyance of the said land in pursuance thereof.

4. Except as hereby varied the printed or usual condition of sale approved by the Real Estate Institute of New South Wales for sales by private contract shall apply to this Agreement.

As witness the hands of the parties hereto the day of _____ year firstly hereinbefore written.

SIGNED by the said NATHAN MIDDLETON

LLOYD in the presence of

W. J. Fairley, Chemist,
Pittwater Road, Narrabeen.

N. M. LLOYD.

SIGNED by the said JAMES RAY in the presence of

Ada Ray, Home Duties,
Wetherill Street, Narrabeen.

JAMES RAY.

SIGNED by the said WILLIAM JOSIAH WORTH in the presence of
D. McLean, Junr., Master Carter,
Clarke Street, Narrabeen. } W. J. WORTH.

SIGNED by the said JOHN ORR in the presence of
W. J. Large, "Willarnie,"
Mona Vale, via Manly,
Independent Means. } JOHN ORR.

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

A. J. GOULD,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-ninth day of March, 1926.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY,
Archbishop of Sydney.

20th April, 1926.

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