
St. Paul's Canterbury Sale Ordinance 1936.

No. 8, 1936.

AN ORDINANCE to authorise the sale of certain land or part thereof situate in Hardy and in Florence Streets South Ashfield and for other purposes incidental thereto and to provide for the application of the proceeds thereof.

WHEREAS by the "St. Paul's Canterbury Mortgage Ordinance 1933" the whole of the land comprised and described in Certificate of Title Volume 801 Folio 247 was vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) AND WHEREAS the Trust of the said land was recited in such Ordinance but by reason of circumstances subsequent to the creation of the said Trust it was expedient to vary the same in order that the said land might be mortgaged AND WHEREAS the said Ordinance empowered the said Trust to mortgage the said land as therein mentioned and the said land was mortgaged accordingly to Bank of New South Wales to secure the advances therein mentioned AND WHEREAS there is due to Bank of New South Wales the sum of One thousand four hundred and sixteen pounds three shillings and sixpence as on the fifth day of May One thousand nine hundred and thirty six AND WHEREAS it is expedient to discharge the mortgage to the said Bank and for this purpose it is likewise expedient to sell the land described in the schedule hereto such land forming part of the land comprised in the said Certificate of Title Volume 801 Folio 247 AND WHEREAS by reason of circumstances subsequent to the creation of the trust mentioned in the aforesaid ordinance and of the varying of the same as likewise therein mentioned it is expedient to vary further the same in respect of the land described in the schedule hereto in manner hereinafter appearing NOW THEREFORE 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 the Land Ordinance Procedure and Delegation of Powers Ordinances 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 and otherwise in the name and in the place of the said Synod ordains declares and rules as follows:—

1. The said Trust is hereby authorised to sell the land comprised in the schedule hereto (hereinafter designated the said

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land) or such parts thereof as it may deem expedient and such sale or sales may be by public auction or private contract together or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the said Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the said Trust is hereby authorised to execute make and do all such transfers assurances receipts and things as it shall deem proper.

2. The proceeds arising from such sale or sales shall be applied—

- (a) In payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the Vendor's costs of the Transfer of the land in pursuance thereof.
- (b) In payment to Bank of New South Wales of the sum of One thousand four hundred and sixteen pounds three shillings and sixpence or such other sum or sums as may be due together with all costs charges and expenses of and incidental to the discharge of any mortgage or mortgages held by the Bank of New South Wales.
- (c) To pay the balance to the Rector and Churchwardens for the time being of Saint Paul's Church Canterbury (whose receipt shall be a sufficient discharge) for the purpose of being applied by them for the expenses of remodelling and/or repairing the Parish Hall on the land adjoining the Church and being part of the land comprised in Conveyance bearing date the Tenth day of April One thousand eight hundred and sixty Registered No. 268 Book 74 made between Sophia Ives Campbell of the one part and the Bishop of Sydney of the other part Such work and payment for the same to be in the sole discretion of the said Rector and Churchwardens subject to the approval of the Archbishop.

3. Any moneys receivable under or by virtue of any sale under this Ordinance and the accumulation may be invested as follows:—

- (a) Any public funds or Government Stock or Government securities of the Commonwealth of Australia.

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- (b) Deposit in the Commonwealth Bank of Australia.
- (c) On fixed deposit in any Bank carrying on business in the State of New South Wales.
- (d) The said Trust may from time to time vary or release such investments.

4. Pending the application of any moneys received as herebefore provided for the remodelling and/or repairing the Parish Hall the income and thereafter the income of any part not applied shall be paid to the said Rector and Churchwardens (whose receipt shall be a sufficient discharge) and applied by them for general Church purposes in connection with the said Church and in accordance with the Sydney Church Ordinance 1912 or any other Ordinance amending or taking the place of the same.

5. This Ordinance shall be cited as the "St. Paul's Canterbury Sale Ordinance of 1936."

THE SCHEDULE REFERRED TO.

ALL THAT piece of land containing 2 roods 13 $\frac{1}{4}$ perches being part of the land comprised in Certificate of Title Volume 801 Folio 247 situate in the Municipality of Ashfield Parish of Petersham County of Cumberland and State of New South Wales Commencing at a point on the South Eastern alignment of Hardy Street being the South Western corner of Lot 3 as shown upon Deposited Plan No. 1078 bearing South Westerly and distant 60 feet 5 $\frac{1}{2}$ inches from the intersection of the South Eastern alignment of Hardy Street with the South Western alignment of Watkin Street and bounded thence on the North West by part of the South Eastern alignment of Hardy Street being a line bearing South Westerly for 120 feet 8 $\frac{1}{2}$ inches and bounded thence on the South West by the North Eastern boundary of the Rectory being a fenced line bearing South Easterly for 211 feet 1 $\frac{1}{4}$ inches to the North Western alignment of Florence Street and bounded thence on the South East by part of the North Western alignment of Florence Street being a line bearing North Easterly for 121 feet 8 inches to the South Eastern corner of Lot 2 on Deposited Plan No. 1078 and bounded thence on the North East by the South Western boundaries of Lot 2 and 3

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on Deposited Plan No. 1078 being a fenced line bearing North Westerly for 211 feet 2 $\frac{3}{4}$ inches to the point of commencement and being Lots 1, 2, 3, 4, 5, 6, as per plan of subdivision prepared by Surveyor Alec L. Busby.

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 Eighteenth day of May, 1936.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

18th May, 1936.