

*Wollongong Glebe Land Sale.*

6/1908

AN ORDINANCE to authorise the sale of certain land (being the land held upon Trust for the appropriation thereof as the Glebe annexed to S. Michael's Church, Wollongong) situate in the Parish of Wollongong County of Camden and State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant under the hand of Sir George Gipps Knight Captain General and Governor in Chief of the then Territory of New South Wales and its Dependencies bearing date the ninth day of May 1842 entered on record in the Register of Grants of the United Church of England and Ireland in the office of the Colonial Secretary and Registrar No. 78 page 13 and enrolled in the Supreme Court of New South Wales in Church Grants No. 4 page 7 certain land containing forty acres be the same more or less situate in the County of Camden Parish of Wollongong Town of Wollongong more particularly described in the said Crown Grant was granted to the Lord Bishop of Australia, John Osborne, Henry Osborne, Robert Marsh Westmacott and the Reverend Matthew Devenish Meares being Trustees nominated and appointed under and by virtue of an Act of the Governor made in the eighth year of the reign of William IV entitled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and their heirs and assigns subject to the trusts thereafter contained that is to say—Upon trust for the appropriation thereof as the Glebe annexed to the Church of the United Church of England and Ireland as by law established erected at Wollongong and known as Saint Michael the Archangel in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said Territory of New South Wales made and passed in the seventh year of the reign of his said late Majesty King William IV entitled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" so far as the same might apply to the trusts of the now reciting Crown Grant and for no other purpose whatsoever. AND WHEREAS the said John Osborne, Henry Osborne, Robert Marsh Westmacott and Matthew Devenish Meares all departed this life before the twenty-ninth day of May one thousand eight hundred and ninety-nine. AND WHEREAS by Deed Poll bearing date the twenty-ninth day of May one thousand eight hundred and ninety-nine (unregistered) under the hand and Corporate Seal of The Most Reverend William Saumarez Smith Doctor of Divinity Archbishop of Sydney in the

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then Colony of New South Wales the sole continuing Trustee of the said Crown Grant RECITING that the said land then belonged to or was vested in the said Archbishop of Sydney as Trustee in trust for the United Church of England and Ireland in New South Wales upon the trusts expressed and contained in the said Crown Grant and that the said Archbishop of Sydney was desirous that the said land should become vested in the Corporate Body known as the Church of England Property Trust Diocese of Sydney the said Archbishop of Sydney did thereby consent that the said land should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns subject to the trusts in the said Crown Grant expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect. AND WHEREAS under and by virtue of agreements made between the present Rector of the Church of Saint Michael at Wollongong and his two predecessors in that office and the Churchwardens of the said Church the revenue derived from the said land has been paid to the said Churchwardens who on their part agreed to pay the said Rectors a fixed and certain stipend. AND WHEREAS the said land has for many years past been let for grazing and agricultural purposes and has produced only a small revenue. AND WHEREAS the said land is not suitable for letting for other purposes except grazing and agricultural purposes and there is no likelihood of there being any material increase in the revenue to be derived from the said land for some years to come. AND WHEREAS the Local Government Act 1906 has effected a change in the mode of rating lands and the rates payable on the said land to the Council of the Municipality of Wollongong in which Municipality the said land is situated have since the said Act increased more than tenfold and the greater part of the revenue at present derived from the said land is absorbed in the payment of the rates thereon. AND WHEREAS the fences on the boundaries of the said land are in a very bad state of repair and if the said land is not sold the immediate expenditure of a large sum of money will be needed to repair or renew the said fences. AND WHEREAS there is every probability of an increase in the amount of the rates on the said land without any corresponding increase in the revenue to be derived from the said land. AND WHEREAS the small surplus of revenue from the said land over and above the rates thereon will for some time to come be insufficient to pay the other outgoings in respect of the said land including the renewal of the said fences. AND WHEREAS the said land adjoins the town of Wollongong and is very well suited for sub-division into residential allotments and if sold it would realise a large sum and the proceeds of sale if invested would yield a large revenue. AND WHEREAS by reason of the above-

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mentioned circumstances which have occurred since the acquisition of the said land described in the said Crown Grant upon the said trusts it has become inexpedient to carry out or observe the particular purpose or purposes for which the said land was granted as aforesaid or to which the said land is by the said trusts devoted and it is expedient that the said land should be sold and the proceeds thereof applied in manner hereinafter provided. THE SYNOD OF THE DIOCESE OF SYDNEY in pursuance of the power in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the Church of England Property Act of 1889 or by any other Act power or authority enabling it in that behalf ordains declares directs and rules as follows :—

I. By reason of circumstances which have occurred since the acquisition of the said land described in the said Crown Grant of the ninth day of May one thousand eight hundred and forty-two and the creation of the said trusts thereof it has become inexpedient to carry out or observe the particular purpose or purposes for which the said land was granted or to which the said land is by the said trusts devoted.

II. The said land described in the said recited Crown Grant may be sold by or with the sanction of the Bishop of Sydney for the time being or his Commissary duly appointed under his Episcopal Seal by public auction or by private contract at one time or at different times in one lot or in several lots and for such price or prices and upon such terms and conditions as the Bishop of Sydney and the Church of England Property Trust Diocese of Sydney may deem expedient freed from the trusts and purposes to which it is now devoted as aforesaid.

III. The proceeds arising from the sale or sales of the said land shall be paid to the Church of England Property Trust Diocese of Sydney which shall pay thereout the expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof and the balance of the said moneys shall be retained by the said Church of England Property Trust Diocese of Sydney and may be invested by the said Corporate Trustees appointed for the Diocese of Sydney under the Church of England Trust Property Incorporation Act of 1881 upon any security allowed by law to Trustees or at interest with any Joint Stock Company carrying on the business of Bankers and having its Head Office in Sydney and the income and interest arising from such investments shall be applied by the Trustees in accordance with the provisions of Section 34 of "The Sydney Church Ordinance" or any Ordinance amending the same.

IV. THIS ORDINANCE shall be styled and cited as "The S. Michael's Wollongong Glebe Land Sale Ordinance of 1908."