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*St. Stephen's Newtown Sale Ordinance 1935.*

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No. 9, 1935.

AN ORDINANCE to authorise the sale of certain land situate in Missenden Road Camperdown in the Parish of St. Stephen at Newtown and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the twenty-fourth day of September one thousand eight hundred and sixty-six made between David Annesley of the first part Christopher Rolleston of the second part and Christopher Rolleston William Henry Eldred and William Crane of the third part and Registered No. 287 Book 100 All those the lands described in the first part of the Schedule hereto were conveyed and assured to the said Christopher Rolleston William Henry Eldred and William Crane and their heirs Upon trust for and to permit the same to be used for the purposes of a Church of England Infant School and to erect a School House thereon for the purpose and keep the same School House in repair AND WHEREAS by Indenture of Conveyance bearing date the thirteenth day of February one thousand eight hundred and seventy-two made between Mary Jane Nutting of the first part the Reverend Robert Taylor of the second part Christopher Rolleston Stephen Campbell Brown and William Crane of the third part Registered Number 714 Book 129 All those the lands particularly described in the second part of the Schedule hereto were conveyed and assured unto the said Christopher Rolleston Stephen Campbell Brown and William Crane and their heirs Upon Trust for and to permit the same to be used for the purposes of or in connection with a Church of England Infant School and if necessary to erect a School House or other building in connection therewith thereon and keep the same in repair AND WHEREAS Harold Earlam and Henry Jacob Caton (hereinafter referred to as the Trustees) are the surviving Trustees of the lands hereinbefore referred to as appears by the Certificate of the Archbishop of Sydney dated the twenty-eighth day of May one thousand nine hundred and thirty-five AND WHEREAS it has become inexpedient to carry out or observe the particular purpose or purposes to which the land described in the Schedule hereto hereinafter designated the said land is by the said Trusts devoted AND WHEREAS it is expedient that the said land be sold and that the proceeds of sale and the income therefrom be applied as are hereinafter provided AND WHEREAS the Trustees have by

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Conditional Contract dated the third day of December one thousand nine hundred and thirty-four contracted to sell the said land to Harry Cohen at or for the price or sum of one thousand pounds AND WHEREAS by the "St. Stephen's Newtown Land Leasing Ordinance 1921" as subsequently amended by the "St. Stephen's Newtown Land Leasing Amendment Ordinance 1922" it was ordained and declared inter alia that the whole or any portion or portions of the said land described in the Schedule thereto (being the same land as is contained in the Schedule hereto) might be demised for certain purposes and that the rents profits and income payable in respect of any such Lease or Leases should be paid to the Trustees (therein mentioned) and applied by them after paying the costs as therein mentioned and the rates and taxes and repairs in respect of the said land and buildings then or thereafter erected on the said land by the said Trustees for or towards the general purposes of the said Parish of St. Stephen's Newtown in such manner as the Rector and the majority of the Churchwardens for the time being of the said Parish might direct 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:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it has become inexpedient to observe the said recited trusts and it has become expedient to sell the land described in the Schedule hereto.

2. The land described in the Schedule hereto may be sold under and in pursuance of the hereinbefore recited Conditional Contract or failing the said Contract then the land may be sold by public auction or private Contract either in one lot or in several lots at such time or times and at such price or prices and upon such terms or conditions as the Rector and a majority of the Churchwardens for the time being of the Parish of St. Stephen's Newtown may by resolution approve.

3. The Trustees for the time being of the said land 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 any such sale shall be paid to the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Trust) and all outgoings properly chargeable against the said land and the costs charges and ex-

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penses of and incidental to such sale or sales and of this Ordinance shall be paid out of the said purchase money.

5. The balance of the said purchase money remaining in the hands of the Trust after the satisfaction of the costs charges expenses and other outgoings provided for in clause 4 hereof may be applied by the Trust as and when the Rector and a majority of the Churchwardens for the time being of the Parish of St. Stephen's Newtown with the sanction of the Archbishop shall deem expedient in or towards acquiring a suitable site (and in payment of the legal costs and expenses incidental thereto) and erecting thereon a Sunday School and Parish Hall to be held in trust for the Church of England in the Parish of St. Stephen's Newtown.

6. Pending the application by the Trust of the balance of the said purchase money in or towards the acquisition of a suitable site and erection of such Sunday School and Parish Hall as referred to in clause 5 hereof the balance of the said purchase money in the hands of the Trust may be invested in any one of the investments for the time being allowed by the law of any of the States of the Commonwealth of Australia for the investment of trust funds and the Trust may from time to time vary or release any of such investments and the income arising therefrom shall until the Standing Committee by resolution otherwise determines be paid to the Rector and Churchwardens for the time being of the Church of St. Stephen's Newtown (whose receipt shall be a sufficient discharge therefor) to be applied in pursuance of the Sydney Church Ordinance 1912 or any Ordinance or Ordinances amending or taking the place of the same.

7. This Ordinance may be styled and cited as St. Stephen's Newtown Sale Ordinance 1935.

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THE SCHEDULE HEREINBEFORE REFERRED TO.

(FIRST PART.)

All that piece or parcel of land situate and being at Camperdown near Sydney being portion of the land called or known as Bligh Terrace Newtown in the Parish of Petersham County of Cumberland and State of New South Wales being Lots three

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hundred and twenty-nine and three hundred and thirty on the plan thereof containing by admeasurement fifteen perches more or less commencing four hundred and twenty feet from the intersection of the West side of Missenden Road with the North side of Campbell Street and bounded on the East by the Missenden Road bearing North thirty degrees West sixty feet to Lot three hundred and twenty-eight on the North by Lot three hundred and twenty-eight bearing West thirty degrees South seventy feet to the South-east corner of Lot three hundred and eleven on the West by a line bearing South thirty degrees East sixty feet to the South-east corner of Lot three hundred and thirteen and on the South by Lot three hundred and thirty-one bearing East thirty degrees North seventy degrees to the commencing point on the Missenden Road be the above measurement a little more or less.

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(SECOND PART.)

All that parcel of land (part of Bligh's Terrace) situated lying and being in the County of Cumberland in the State of New South Wales being Lot three hundred and twelve containing six and a half perches more or less bounded on the South-west by the North-east side of Susan Street commencing at the North-west corner of Lot three hundred and thirteen and bearing North-westerly twenty-seven feet six inches on the North-west by a line bearing North-easterly sixty-six feet on the North-east by a line bearing South-easterly twenty-eight feet dividing it from portions of Lots three hundred and twenty-nine and three hundred and thirty and on the South-east by a line bearing South-westerly sixty-six feet dividing it from Lot three hundred and thirteen to the point of commencement And also all that other parcel of land situate as aforesaid being Lot three hundred and thirteen containing six and a half perches more or less bounded on the South-west by the North-east side of Susan Street commencing at the North-west corner of Lot three hundred and fourteen and bearing North-westerly twenty-seven feet six inches on the North-west by a line bearing North-easterly sixty-six feet dividing it from Lot Three hundred and twelve on the North-east by a line bearing South-easterly twenty-eight feet dividing it from part of Lot Three hundred and thirty and in the South-east by a line bearing South-westerly sixty-six feet dividing it from Lot three hundred and fourteen to the point of commencement.

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

HENRY W. F. ROGERS.

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 July, 1935.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

29th July, 1935.