
Darlinghurst Sale.

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AN ORDINANCE to authorise the sale of land situate at Darlinghurst Road in the City of Sydney and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant bearing date the nineteenth day of October One thousand eight hundred and thirty-one issued under the hand of His Excellency Lieutenant-General Ralph Darling Captain-General and Governor-in-Chief of the territory of New South Wales and under the seal of the said territory the said Governor in pursuance of the powers by His Majesty the King therein mentioned to be vested in him did grant unto one Edward Hallen his heirs and assigns subject to the reservations and conditions therein mentioned the lands therein described of which the land in the Schedule hereto forms part TO BE HELD to the said Edward Hallen his heirs and assigns for ever AND WHEREAS by Grant under the hand of His Excellency Sir George Gipps Governor of the State of New South Wales the conditions contained in the before mentioned Grant with reference to the price and nature of building on the said land became wholly extinguished and the said Grant was henceforth to be taken construed and have effect as if the conditions aforesaid had not been contained therein AND WHEREAS by divers mesne assurances in the law the land described in the Schedule hereto became vested in one Charles Kemp by Indenture of Conveyance bearing date the twenty-first day of March One thousand eight hundred and forty-eight Registered Number five hundred and six Book fifteen AND WHEREAS the said Charles Kemp made and executed his last Will and Testament in writing bearing date the nineteenth day of July One thousand eight hundred and sixty-four whereby he devised the said land described in the Schedule hereto as follows:—

“I DEVISE my two dwelling houses situate in McLeay Street
“in Sydney aforesaid with the outhouses yard garden and appur-
“tenances thereunto respectively belonging unto and to the use
“of my said wife during the term of her natural life for her own
“absolute use and benefit without impeachment of waste and I

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"EMPOWER my said wife in her discretion to grant leases of the same dwelling houses and appurtenances or any part or parts thereof for any term or terms of years not exceeding seven years in possession at the best rent or rents to be incident to the immediate reversion without taking any fine or premium. And immediately upon the decease of my said wife I DEVISE the said two dwelling houses with the outhouses yards gardens and appurtenances thereunto respectively belonging unto and to the use of the Lord Bishop of Sydney and his successors for ever UPON TRUST to apply the rents and profits thereof in or towards a fund for the sustentation of the clergy in the diocese of Sydney aforesaid of the United Church of England and Ireland or such other Branch of the Church of Christ as shall for the time being constitute the Protestant Episcopal Church in the said Colony."

AND WHEREAS the said Charles Kemp died on the twenty-fifth day of August One thousand eight hundred and sixty-four without having altered or revoked his said Will Probate whereof was granted by the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction to Stella Kemp Robert Allwood Edward Parnell and William Edmund Kemp the executors and executors in the said Will named AND WHEREAS Stella Kemp wife of the said Charles Kemp subsequently died and immediately thereupon the then Lord Bishop of Sydney entered into possession of the said property being the land described in the said Schedule AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to sell the said land AND WHEREAS by an Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth entitled the "Church of England Trust Property Act, 1917" (No. 21) it was enacted that during the recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance of Synod might in place of such Synod exercise such of the powers and functions referred to in the said Act as should be determined by Ordinance of the Synod AND WHEREAS by an Ordinance of the Synod passed in the year One thousand nine hundred and eighteen The Standing Committee was appointed for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions

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and do and make all or any of the things referred to in Sections 28 to 31 (inclusive) constituting Part VI. of the said Act 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 said Act and Ordinance 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 by the "Church of England Trust Property Act 1917" or otherwise in the name and in place of such Synod ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to sell the land described in the Schedule hereto.

2. The land described in the Schedule hereto may be sold by public auction or by private contract either in one lot or several lots at such time or times at such price or prices and upon such terms and conditions as the Bishop of the Diocese of Sydney (hereinafter called the said Bishop) may deem expedient freed from such Trusts as aforesaid.

3. The said Bishop or his Commissary duly appointed under his Episcopal Seal shall execute the deed or deeds necessary for the purpose of carrying the said sale into effect.

4. The purchase money arising from the said sale or sales shall be paid to the said Bishop and 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 be invested as hereinafter mentioned and the income applied to the purposes to which the rents and profits of the said land would but for such sale or sales be applicable under the will of the said Charles Kemp.

5. The proceeds of sale or any part or parts thereof may from time to time until otherwise determined by the Synod be invested in any stocks funds or securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States thereof or of the Dominion of New Zealand or on mortgage of real estate in New South Wales with power from time to time to vary any such investments for any other or others of them.

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6. This Ordinance shall be styled and cited as the "Darlinghurst Kemp Devise Sale Ordinance of 1918."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Woolloomooloo in the Parish of Alexandria in the County of Cumberland in the State of New South Wales being allotments Numbers One and Two on the plan exhibited at time of sale containing by admeasurement twenty-three perches more or less commencing at the North-east corner of Sir James Dowling's grant and bounded on the South-east by the North-west side of Macleay Street bearing by comparison North thirty-one degrees forty-five minutes East seventy feet to the Southernmost corner of allotment Number Three on the North-east by the South-west boundary line of allotment Number Three bearing by comparison West thirty-one degrees forty-five minutes North ninety feet nine inches to Pier Street (sixteen feet wide) on the North-west by the South-east side of Pier Street bearing by comparison South thirty-one degrees forty-five minutes West seventy feet and on the South-west by a line bearing East thirty-one degrees forty-five minutes South ninety feet nine inches to the commencing point.

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

ARTHUR W. PAIN, BISHOP,
Chairman of Committee.

I certify that this Ordinance was passed by the Standing Committee this twenty-third day of December, 1918.

ROBERT ATKINS,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY,

24th December, 1918,