
*Parish of Kiama with Gerringong Sale and Leasing
Ordinance 1930.*

No. 24, 1930.

AN ORDINANCE to authorise the sale and leasing of and for vesting certain lands held on behalf of the Parish of Kiama with Gerringong and for other purposes.

WHEREAS by Crown Grant dated the first day of December One thousand eight hundred and fifty-one registered in the Register of Grants of the United Church of England and Ireland No. 79 Page 71 certain land containing two roods situate in Shoalhaven Street Kiama and more particularly described in the First Schedule hereto was granted to the Right Reverend William Grant Broughton and his successors Bishops of Sydney for ever upon trust for the erection thereon of a school house in connection with the Church of England at Kiama.

AND WHEREAS by Crown Grant dated the first day of December One thousand eight hundred and fifty-one registered in the Register of Grants of the United Church of England and Ireland No. 66 Page 45 certain land containing two roods also situate in Shoalhaven Street Kiama adjoining the land lastly hereinbefore mentioned and more particularly described in the Second Schedule hereto was granted to the said the Right Reverend William Grant Broughton and his successors Bishops of Sydney for ever upon trust for a Clergyman's residence in connection with the said Church.

AND WHEREAS by Crown Grant dated the twenty-sixth day of August One thousand eight hundred and forty registered in the Register of Town Purchases No. 64 Page 203 certain land more particularly described in the Third Schedule hereto was granted to one James Barker and by divers mesne assurances in the law and ultimately by Deed of Consent dated the twenty-fourth day of October One thousand eight hundred and ninety-two registered No. 817 Book 533 executed by the then Churchwardens of Christ Church Kiama aforesaid the last mentioned land became vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) for the use of the Wardens for the time being of the Church of England at Kiama and their successors for the benefit of the said Church and Parsonage.

AND WHEREAS by Crown Grant dated the first day of March One thousand eight hundred and seventy-three registered Volume

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157 Folio 201 certain land at Gerringong comprising one acre was granted to John Wilson (Senior) Robert Anderson and William Weir upon trust for the erection thereon of a Church of the United Church of England and Ireland and by Crown Grant of the same date registered Volume 157 Folio 202 land comprising half an acre and adjoining the last mentioned land was granted to the same persons upon trust for the erection thereon of a school house in connection with the said Church and by Crown Grant of the same date registered Volume 157 Folio 203 land comprising half an acre adjoining the last mentioned land was granted to the same persons upon trust for the appropriation thereof as a site for a dwelling house garden and other appurtenances for the clergyman duly appointed to officiate in the said Church.

AND WHEREAS by Deed of Consent dated the fourteenth day of February One thousand nine hundred and thirty the land comprised in the three last mentioned Crown Grants became vested in the Corporate Trust subject to the trusts to which it was then subject or to so much of the same as were still subsisting undetermined and capable of taking effect.

AND WHEREAS the lands described in the First, Second and Third Schedules hereto and the land comprised in the Fourth Schedule hereto being portion of the lands comprised in the three Crown Grants registered Volume 157 Folios 201, 202 and 203 are not required for Church purposes and it is expedient that the same should be sold.

AND WHEREAS a Church known as St. George was erected on part of the land comprised in Crown Grant Registered Volume 157 Folio 201 and the Churchwardens thereof have recently erected a dwelling on another part of the last mentioned land at a cost of about Four hundred and fifty pounds of which sum one hundred and fifty pounds is owing to the builders of the dwelling three hundred pounds was borrowed from and is owing to the Commercial Banking Company of Sydney Limited and the balance was raised by subscriptions.

AND WHEREAS by Crown Grant dated the thirtieth day of May One thousand eight hundred and forty-four Registered in the Register of Grants of the United Church of England and Ireland No. 65 Page 47 certain land containing one acre situated in Bong Bong Street Kiama was granted to the said Right Reverend William Grant Broughton or the Bishop of Australia for the time being the sole Trustee upon trust for the erection

thereon of a Church of the United Church of England and Ireland as by law established but no Church was ever erected thereon as another site at Kiama was procured for that purpose whereon was erected the Church known as Christ Church.

AND WHEREAS by deed of consent dated the twenty-first day of March One thousand nine hundred and thirty the land comprised in the lastly recited and first two recited Crown Grants became vested in the Corporate Trust.

AND WHEREAS pursuant to the Christ Church Kiama Lands and Leasing Ordinance of 1899 portion of the lands comprised in the last mentioned Grant was by a Lease dated the twenty-eighth day of January One thousand nine hundred and twenty-seven leased to one Susanna Herbert for a term of ten years expiring on the thirtieth day of June One thousand nine hundred and thirty-five and the said Lease contained a provision giving a right to the Lessee at the expiration of the said term to take down all buildings erections and fixtures then built or erected on the said land.

AND WHEREAS the said Susanna Herbert died on or about the twenty-fifth day of September One thousand nine hundred and twenty-seven and in the course of the administration of her estate her said leasehold estate was offered for sale and the then Churchwardens of Christ Church Kiama purchased the same on behalf of the Church at or for the sum of Two hundred pounds and spent a sum of about forty-eight pounds in repairing a weatherboard cottage then on the land so leased and for such purposes and on the security of their guarantee borrowed from the said Bank a sum of about two hundred and forty-eight pounds in respect of which there is now owing to the said Bank the sum of about two hundred and twenty pounds.

AND WHEREAS all the lands hereinbefore mentioned are Church trust property and are situated within the Ecclesiastical District known as the Parish of Kiama with Gerringong.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts to which the said Church trust property is for the time being subject it has become inexpedient to carry out and observe such trusts in so far as the same are hereby varied.

NOW THEREFORE the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ORDAINS DIRECTS DECLARES AND RULES as follows:—

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1. By reason of circumstances subsequent to the creation of the trusts to which the said lands hereinbefore mentioned are subject it has become inexpedient to carry out and observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

2. The whole of the land comprised in the three Crown Grants Registered Volume 157 Folios 201, 202 and 203 and any part thereof may be used for the purpose of a Church and/or a School-hall and/or a residence and such residence may be used as a residence for a clergyman or catechist or may be leased for any term not exceeding five years at such rents fixed or progressive and subject to such conditions as the Churchwardens for the time being of St. George's Church shall think fit and the net rents arising from such leasing may be received and used by such Churchwardens for the use and benefit of the said Parish at Gerringong and as parochial Church funds not excluded from their charge or administration.

3. The Synod hereby consents to the residue of the term of years created by the Lease to the said Susanna Herbert being vested and the same is vested accordingly in the Corporate Trust to the intent that the said residue may become merged in the freehold reversion of the land comprised in the said Crown Grant dated the Thirtieth day of May One thousand eight hundred and forty-four and be extinguished.

4. The Corporate Trust is hereby empowered to sell the lands described in the First, Second, Third and Fourth Schedules hereto.

5. 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 and subject to such terms and conditions as the Corporate Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

6. The purchase money arising from the sale of the land mentioned in the First, Second and Third Schedules shall be applied by the Corporate Trust in payment of all costs charges and expenses of and incidental to such sales and as to one half thereof of this Ordinance and of conveying the said lands to the purchasers thereof and the balance shall be paid to the Churchwardens for the time being of Christ Church Kiama (whose receipt shall be a sufficient discharge) and shall be applied by

them in repaying the said sum of about Two hundred and twenty pounds owing to the said Bank and for the use and benefit of the said Parish at Kiama and as parochial Church funds not excluded from their charge or administration.

7. The purchase money arising from the sale of the land described in the Fourth Schedule hereto shall be applied by the Corporate Trust in payment of all costs charges and expenses of and incidental thereto and as to one-half thereof of this Ordinance and the balance shall be paid to the Churchwardens for the time being of St. George Gerringong (whose receipt shall be a sufficient discharge) and shall be applied by them in paying to the said Bank and the said Builders the moneys owing to them respectively in respect of the said dwelling erected on the land comprised in Crown Grant Registered Volume 157 Folio 201 and for the use and benefit of the said Parish at Gerringong and as parochial Church funds not excluded from their charge or administration.

8. This Ordinance may be cited as "Parish of Kiama with Gerringong Sale and Leasing Ordinance 1930."

THE FIRST SCHEDULE.

All that piece of land in the State of New South Wales containing by admeasurement two roods be the same more or less situated in the County of Camden and Parish of Kiama Town of Kiama being Allotment Number Two of Section Number Seventeen Bounded on the North by Allotment Number Three being a line bearing North sixty-three degrees West five chains; on the West by Allotment Number Seventeen being a line bearing South twenty-seven degrees West one chain; on the South by Allotments One and Twenty being a line bearing South sixty-three degrees East five chains; and on the East by Shoalhaven Street bearing North twenty-seven degrees East one chain (Advertised as Number Sixty-nine in the Government Notice dated 24th October 1851).

THE SECOND SCHEDULE.

All that piece of land in the State of New South Wales containing by admeasurement two roods be the same more or less situated in the County of Camden and Parish of Kiama Town of Kiama being Allotment Number Three of Section

Number Seventeen Bounded on the North by Allotment Number Four being a line bearing North sixty-three degrees West five chains; on the West by Allotment Number Sixteen being a line bearing South twenty-seven degrees West one chain; on the South by Allotment Number Two being a line bearing South sixty-three degrees East five chains; and on the East by Shoalhaven Street and bearing North twenty-seven degrees East one chain (Advertised as Number Seventy in the Government Notice dated 24th October 1851).

THE THIRD SCHEDULE.

All that piece of land in the State of New South Wales containing by admeasurement One rood and thirty-four perches and situated in the Town of Kiama Parish of Kiama County of Camden being Allotment Number Eleven of Section Number Ten and Bounded on the West by Collins Street being a line bearing South twenty-seven degrees west one chain; on the South by Allotment Number Twelve being a line bearing East twenty-seven degrees South three chains ninety-two links and by part of the North boundary line of Andrew Byrne's purchase of five hundred acres bearing Easterly; on the East by part of Allotment Number Five being a line bearing North twenty-seven degrees East forty-three links; and on the North by Allotment Number Ten being a line bearing West twenty-seven degrees North five chains being the Allotment sold as Lot Ninety-six in pursuance of the Advertisement of 28th March 1840.

THE FOURTH SCHEDULE.

All that piece or parcel of land situate in the Town and Municipality of Gerringong Parish of Broughton County of Camden and State of New South Wales Being parts of Lots 4, 5 and 6 of Section 1 Village of Gerringong and being also part of the land comprised in Crown Grants Volume 157 Folio 201, Volume 157 Folio 202, Volume 157, Folio 203 Commencing at a point on the Western side of the Princes Highway Being the South-east corner of Allotment 4 said Section 1 bearing 360 degrees and distant three hundred and forty-three feet two inches from the South-east corner of said Section 1 and bounded thence on the South by the Northern boundary of Allotment 3 being an old fenced line bearing 270 degrees for a distance of two hundred and sixty-two feet eleven and seven-eighth inches thence on the West by part of the Eastern boundary of Allotment

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7 being an old fenced line bearing 360 degrees 17 minutes 30 seconds for a distance of eighty-three feet thence on the North by a line bearing 90 degrees for a distance of two hundred and sixty-two feet six and seven-eighths inches to a point on the Western side of the Princes Highway thence on the East by part of the Western side of the Princes Highway being a line bearing 180 degrees for a distance of eighty-three feet to the point of commencement be the said several dimensions all a little more or less containing an area of two roods or thereabouts.

I certify that the Ordinance as printed is 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 first day of December, 1930.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th December, 1930.