

APPENDIX No. 58.

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ORDINANCE. RYDE GLEBE LAND SALE.
(As Passed.)

AN ORDINANCE to authorise the sale of certain lands situated at Ryde in the County of Cumberland and to provide for the application of the moneys arising therefrom.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called "The said Property Trust") is the registered Proprietor (inter alia) of the lands described in the Schedule hereto by virtue of Certificate of Title under the provisions of the Real Property Act Registered Volume 2817 Folio 132 AND WHEREAS the said lands were by an Indenture of Conveyance bearing date the sixth day of September One thousand eight hundred and forty-three made between John Small and Elizabeth Small his wife of the one part and the Right Reverend William Grant Broughton Bishop of Australia Thomas Foster Edmund Lockyer William Rutledge and James Devlin the elder of the other part released and conveyed to the said William Grant Broughton Bishop of Australia Thomas Foster Edmund Lockyer William Rutledge and James Devlin the elder UPON TRUST for the maintenance of a Church or Chapel and for the provision out of the revenues belonging to or arising from the use of the said Church or Chapel in such manner as should be lawfully appointed of all things necessary for the celebration of Divine Worship of the United Church of England and Ireland with the appurtenances thereto belonging and also to permit the same or a part thereof to be used as a burial ground of the said United Church of England and Ireland and should stand possessed of the said lands Church or Chapel and burial ground UPON THE TRUSTS and to and for the ends intents and purposes and with under and subject to the powers provisoes declarations and agreements expressed and declared in and by the Act of the Governor and Legislative Council of the Colony of New South Wales made and passed in the seventh year of the reign of his late Majesty King William IV. intituled, "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" and of another Act of the Governor and Legislative Council of the said Colony made

and passed in the eighth year of the reign of His late Majesty King William IV. intituled an Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales and in and by any other Act of the Governor and Legislative Council of the said Colony then or thereafter to be made which should in any manner affect or regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales AND WHEREAS a sufficient area of land has been set aside within the said Parish for the use and purpose of a burial ground Church Rectory and School House AND WHEREAS by the "St. Anne's Land Leasing Ordinance 1908" the said Property Trust was authorised to demise or lease the said lands now comprised in the said Certificate of Title excepting thereout such portions of the said lands as were set apart and used for the purpose of a burial ground in connection with the Parish of St. Anne's Church of England Ryde aforesaid in manner in the said Ordinance expressed and to apply the rents and income derivable from any such lease or leases in manner in the said Ordinance provided AND WHEREAS since the passing of the said last mentioned Ordinance three lots only of the said lands have been leased by the said Property Trust and it appears to be not practicable for the said Property Trust to obtain tenants for remaining unleased portions of the said land AND WHEREAS the said unleased portions of the said lands are valued at the sum of Five thousand pounds (£5000) or thereabouts and considerable sums are assessed annually upon the said unleased portions of the said lands for rates and taxes and little or no revenue is derived from the said lands AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said lands and to the passing of the St. Anne's Ryde Land Leasing Ordinance 1908 it has become inexpedient to carry out or observe in their entirety the particular purposes to which the said unleased portions of the said lands are devoted and it is expedient that the unleased portions of the said lands (being the lands described in the Schedule hereto) should be sold and that the proceeds thereof should be applied in manner hereinafter provided The Synod of the Diocese of Sydney in pursuance of the powers 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 the powers vested in the said Synod by the Church of England Property Trust Act 1917 or otherwise declares and directs as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the lands referred to in the Schedule hereto are subject it has in the opinion of the said Synod

become inexpedient to carry out or observe such trusts as to the said lands in their entirety.

2. The said lands described in the Schedule hereto or any portion or portions thereof may at any time hereafter be absolutely sold and disposed of freed from any of the trusts existing in respect of the same either by public auction or by private contract and either in one lot or in several lots and at such price or prices and subject to such stipulations terms or conditions as the said Property Trust may deem proper with power to the said Property Trust to buy in at any sale by auction and to rescind or vary any Contract for Sale and to enter into new contracts for sale of the said lands or any portion or portions thereof And also with power to the said Property Trust to lay out and dedicate any part or parts of the said lands for roads or lanes upon and through the said lands or any part thereof and for all or any of the purposes aforesaid to execute and do all such contracts transfers assurances dedications and things as the said Property Trust shall think fit.

3. The net proceeds arising from the sale or sales of the said lands shall be paid to the said Property Trust and shall be applied by the said Property Trust as follows:—

- (a) In payment of the costs of and incidental to this Ordinance and any sales and transfers in pursuance thereof.
- (b) In payment of ten per cent. of the net proceeds of sale of the said land as the same shall from time to time be received to the Treasurer of the Church Buildings Loan Fund for use in aid of the objects of the said Fund.
- (c) In payment of all necessary outgoings in respect of the said lands including amounts now due or which may hereafter become due for rates and taxes and charges for kerbing guttering paving and asphaltting payable by the said Property Trust in respect of all or any part of the lands comprised in the said recited conveyance of sixth September 1843.

4. The balance of the proceeds arising from the sale or sales of the said lands shall be invested by the said Property Trust in Government or Real Securities in New South Wales or in the Commonwealth of Australia or on fixed deposits in any bank and the income payable under or derivable from such investments shall be applied by the said Property Trust as follows, namely:—

- (a) In payment of the amounts due and to become due from time to time by the Parish of St. Anne's Ryde for Synod Assessments and Registry expenses.

- (b) In payment of such amounts as shall (according to the Certificates of the Rector and Churchwardens of the Church of St. Anne's Ryde to be given to the said Property Trust from time to time in that behalf) be required for the maintenance repair enlargement or improvement of St. Anne's Church Ryde.
- (c) The balance of the said income not required for the purposes aforesaid shall be paid by the said Property Trust to the Rector and Churchwardens of the Church of St. Anne's Ryde annually and shall be applied by them in or towards payment of the stipends of the Minister and assistant Minister or Ministers for the time being of the Parish of St. Anne's Ryde and the salaries of Catechists or other Lay helpers employed in the said Parish in such shares and proportions and in such manner generally as a majority of the Parish Council of the said Parish shall from time to time determine and in case any question or dispute shall arise in reference thereto the same may be determined by the Archbishop of Sydney.

5. Upon a sale being made under or by virtue of this Ordinance of the said lands described in the Schedule hereto or any part or parts thereof the provisions of the "St. Anne's Ryde Land Leasing Ordinance 1908" shall cease to operate in respect of the land so sold.

6. This Ordinance shall be styled or cited as "The St. Anne's (Ryde) Glebe Land Sale Ordinance 1918."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate at Ryde in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less commencing at a point at the intersection of Belmore and Pope Streets and bounded on the North-east by Pope Street aforesaid bearing South-easterly distant 182 feet 3 inches bounded on the South-east by a line bearing South-westerly distant 166 feet 6 inches thence on the South-west by a line bearing North-Westerly distant 182 feet 5 inches to Belmore Street thence on the North-west by Belmore Street aforesaid bearing North-easterly distant 133 feet 2 inches to the point of commencement being part of lot 1 of St. Anne's Glebe Ryde.

Also all that piece or parcel of land situate at Ryde aforesaid commencing at a point on the South-east side of Belmore

Street South-west and distant 193 feet 2 inches from the South-west side of Pope Street and bounded on the North-east by a line bearing South-easterly distant 305 feet 9 inches bounded on the South-east by a line bearing South-westerly distant 118 feet 5 inches bounded on the South-west by a line bearing North-westerly distant 300 feet 4 inches to Belmore Street and bounded on the North-west by that street bearing North-easterly distant 120 feet to the point of commencement being part of lot 6 St. Anne's Glebe Ryde.

Also all that piece or parcel of land situate at Ryde aforesaid commencing at a point at the North-east corner of lot 14 on the South-west side of Parkes Street and bounded on the North-east by Parkes Street aforesaid bearing South-easterly distant 144 feet to Edward Street bounded thence on the South-east by Edward Street aforesaid bearing South-westerly distant 148 feet 6 inches to the North-east corner of lot 21 bounded on the South-west by lot 21, bearing North-westerly distant 144 feet to the North-west corner of lot 21 bounded on the North-west by lots 14 and 18 bearing North-easterly distant 148 feet 6 inches to the point of commencement being lots 15 16 17 and 19 St. Anne's Glebe Ryde.

Also all that piece or parcel of land situate at Ryde aforesaid commencing at a point at the North-East corner of lot 77 on the South-west side of St. Anne's Street thence by that Street bearing South-easterly distant 150 feet to the North-west corner of lot 81 and thence on the South-east by lots 81 and 89 bearing South-westerly distant 200 feet to Glebe Street thence by that Street bearing North-westerly distant 350 feet to its intersection with Little Church Street thence by that Street bearing North-easterly distant 80 feet thence again by a line bearing South-easterly distant 200 feet to the North-west boundary of lot 86 thence again partly by that boundary and lot 77 bearing North-easterly distant 120 feet to the point of commencement being lots 78 79 and 80 and part of lots 82 83 84 and 85 and lots 86 87 and 88 St. Anne's Glebe Ryde.

Also all that piece or parcel of land situate at Ryde aforesaid commencing at a point on the South-east side of Edward Street at its intersection with Parkes Street and bounded thence on the North-east by Parkes Street aforesaid being a line bearing South-easterly distant 285 feet 6 inches to the North-west side of William Street and bounded thence on the South-east by William Street aforesaid being a line bearing South-westerly distant 485 feet to the North-east side of George Street bounded thence on the South-west by the North-east side of George Street aforesaid being a line bearing North-westerly distant 286 feet to

the South-east side of Edward Street bounded thence on the North-west by the South-east side of Edward Street aforesaid being a line bearing North-easterly distant 491 feet 2 inches to the point of commencement being lots 34 to 57 inclusive St. Anne's Glebe Ryde.

And also all that piece or parcel of land situate at Ryde aforesaid commencing at a point at the South-west corner of lot 24 on the South-east side of Church Street and bounded thence on the North-east by lot 24 bearing South-easterly distant 142 feet and bounded thence on the North-west by lot 24, bearing North-easterly distant 48 feet thence again on the North-east by lot 23 bearing South-easterly distant 142 feet to the North-west side of Edward Street thence bounded on the South-east by that Street bearing South-westerly distant 244 feet to the North-east side of George Street and bounded thence on the South-west by George Street aforesaid bearing North-westerly distant 142 feet to the South-east corner of lot 30 thence again on the North-west by lots 28 and 30 bearing North-easterly distant 148 feet to the North-east corner of lot 28 thence again on the South-west by lot 28 bearing North-westerly distant 142 feet to Church Street and thence again on the North-west by Church Street aforesaid bearing North-easterly distant 48 feet to the point of commencement being lots 25 26 27 31 32 and 33 St. Anne's Ryde Glebe.

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

E. W. MOLESWORTH,

Chairman of Committees.

We certify that this Ordinance was passed on 9th October, 1918.

E. CLAYDON | *Secretaries of*
W. R. BEAVER | *the Synod.*

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

15th October, 1918.