
St. John's Parramatta Land Sale Ordinance 1931.

No. 6. 1931.

AN ORDINANCE to authorise the sale of certain lands situate in the County of Cumberland Parish of St. John in the Town of Parramatta and to provide for the application of the proceeds thereof.

WHEREAS by Deed Poll or Grant from the Crown bearing date the nineteenth day of September 1842 under the hand of His Excellency Sir George Gipps Knight the then Governor of the Territory of New South Wales and under the seal of the said Territory Her Most Gracious Majesty Queen Victoria did grant unto the Right Reverend William Grant Broughton D.D. Bishop of Australia or the Bishop of Australia for the time being the Reverend Henry Hodgkinson Bobart John Blaxland Hannibal Hawkins Macarthur and John Betts (being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of the said Territory made and passed in the eighth year of the reign of His late Majesty King William the Fourth 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 to their heirs and assigns certain lands and hereditaments more particularly described in the first part of the Schedule hereunder written to hold unto the said Bishop of Australia or the Bishop of Australia for the time being the Reverend Henry Hodgkinson Bobart John Blaxland Hannibal Hawkins Macarthur and John Betts and to their heirs and assigns 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 Parramatta and known as "Saint John's" 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 made and passed in the seventh year of the reign of His late Majesty King William the Fourth 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" so far as the same might apply to the trusts of the said Grant and for no other purpose whatsoever.

AND WHEREAS by a certain other Deed Poll or Grant from the Crown bearing date the first day of May 1849 under the hand of His Excellency Sir Charles Augustus Fitz Roy the then Governor of the said Territory and under the Seal of the said

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Territory Her said Majesty did grant unto the Right Reverend William Grant Broughton the Lord Bishop of Sydney and his Successors Bishops of Sydney for ever the Reverend Henry Hodgkinson Bobart Francis Watkins and Arthur Blaxland (being respectively such Trustees nominated and appointed under and by virtue of the Act firstly before mentioned) and to their heirs and assigns certain lands and hereditaments more particularly described in the second part of the Schedule hereto to hold unto the said Right Reverend William Grant Broughton the Lord Bishop of Sydney and his Successors Bishops of Sydney for ever the Reverend Henry Hodgkinson Bobart Francis Watkins and Arthur Blaxland their heirs and assigns for ever upon trust for the appropriation thereof as the residue of the Glebe annexed to the Church of the United Church of England and Ireland as by Law established erected at Parramatta and known as "Saint John's" in conformity with the provisions of the last mentioned Act and of the said Act of the Governor and Council of the said Territory secondly above mentioned.

AND WHEREAS the present Trustees of Saint John's Glebe Parramatta as to the parcels of land comprised in the first part of the Schedule hereto are The Most Reverend John Charles Wright Archbishop of Sydney Harington Burrough Cowper William Peter Noller Walter Sigismund Brown and Peter Morgan and as to the parcel of land comprised in the second part of such Schedule are the Most Reverend John Charles Wright Archbishop of Sydney Harington Burrough Cowper Walter Sigismund Brown and William Peter Noller.

AND WHEREAS certain portions of the said land have from time to time been leased to various persons for certain periods of years (partly in pursuance of the St. John's (Parramatta) Glebe Land Leasing Ordinance 1909) at the ground rents reserved and contained in the Indentures of Lease thereof and upon some of such leased portions buildings have been erected by the Lessees thereof and other parts of such leased portions are vacant and unimproved.

AND WHEREAS other portions of the said land have not been leased and upon part of such unleased land there is erected a building used as a Rectory for the Church of England in the Parish of St. John but the balance thereof is vacant and unimproved and is not returning any income to the Trustees.

AND WHEREAS the land at present enclosed with or used for the purposes of the said Rectory is more than sufficient for the purposes of the said Rectory.

AND WHEREAS leasehold lands in the suburbs of Sydney are unattractive as an investment for trust moneys.

AND WHEREAS the vacant and unimproved portion of the said land which is not leased (save and except that part thereof as is enclosed with or used for the purposes of the said Rectory) is subject to the payment of rates to the Municipality of Parramatta and to the Metropolitan Water Sewerage and Drainage Board which rates are burdensome to the Trustees.

AND WHEREAS in respect of the leased portions of the said land the Trustees are under contingent liabilities for rates and taxes which have not or may not in the future be paid by the Lessees thereof.

AND WHEREAS for the reasons aforesaid it has become expedient that the said land save and except part of the land enclosed or used with or for the purposes of the said Rectory should be sold and the proceeds of such sale applied in manner hereinafter provided.

Now therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 and in pursuance of the powers in that behalf conferred upon 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 of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said Trusts it has become expedient to sell the said lands and hereditaments comprised in the first and second parts of the Schedule hereunder written save and except such part of the site of the Rectory aforesaid which it is necessary to retain for the purposes of the Rectory.

2. The lands described in the first and second parts of the Schedule hereto (save and except such part of the land as is now enclosed with or used for the purposes of the said Rectory, as the Trustees with the consent of the Rector consider should be retained for the purposes of the Rectory) or any part or parts thereof may at any time hereafter be sold either by Public Auction or Private Contract together or in lots and at such price or prices and subject to such stipulations terms and conditions as the Trustees or the Trustee for the time being of St. John's Glebe

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Parramatta with the approval of the Church of England Property Trust Diocese of Sydney may deem expedient freed from any trust whatsoever affecting the same and either subject to or freed from the existing lease or leases if any affecting the said land or any part thereof And the Trustees shall have full power to accept surrenders of any lease or leases affecting the said land or any part thereof And to purchase for such prices and upon such terms as they with the approval of the said Church of England Property Trust Diocese of Sydney may deem expedient any interest of any lessee sub-lessee or other person in the said land or any part or parts thereof and the said Trustees shall have full power to buy in at any auction sale or otherwise and to rescind or vary any Contract or Contracts for Sale and subject as aforesaid to enter into any new Contract or Contracts for Sale of the said land or any part or parts thereof And also to lay out and dedicate any part or parts of the said land for roads or lanes upon or through the said land or any part or parts thereof And the said Trustees are hereby empowered to execute and do any deed or deeds and any other instrument or instruments and all such acts matters measures and things necessary for the purpose of carrying into effect any sale or sales or other acts hereby authorised.

3. The net proceeds arising from the sale or sales of the said land or any part or parts thereof shall be paid to the said Church of England Property Trust Diocese of Sydney and so much thereof as shall be required for that purpose shall be applied by it in or towards payment of the costs charges and expenses of and incidental to this Ordinance and of any sale or sales of the said land or any part or parts thereof in pursuance thereof and of any expenses which it might be necessary or expedient to incur in and about preparing and subdividing the said land or any part or parts thereof for sale and so much thereof as shall be required for that purpose shall be applied by it in or towards payment of any arrears of rates and taxes and interest thereon payable to the Council of the Municipality of Parramatta or to the Metropolitan Water Sewerage and Drainage Board in respect of the said land or any part or parts thereof for which the Trustees of such land may be liable or which it may be necessary to pay in order that the said land or any part or parts thereof shall not become liable to be sold for non-payment of rates or in order that an unencumbered title to such land or any part or parts thereof may be given to a purchaser or purchasers thereof notwithstanding that the primary

liability for the payment of such rates and taxes shall be upon persons other than the said Trustees. And the residue of the said net proceeds as the same shall from time to time be received shall be invested by the said Church of England Property Trust Diocese of Sydney in any of the investments for the time being authorised by law for the investment of Trust Funds and pending any such investment deposited at interest with the Commonwealth Bank of Australia Savings Bank Department or with any Bank or Banks carrying on business in Sydney and the net income received from any such investment and the deposit of any such moneys as aforesaid shall be applied by it as follows:—

- (i.) In payment of any sums of money in the nature of annual outgoings for which the Trustees may be or may become liable in respect of any part or parts of the said land.
- (ii.) In the payment annually to the Churchwardens of the Church of St. John Parramatta of such an amount as will with the annual rents of the unsold portions of the said lands from year to year received make up the sum of Two hundred and twenty-six pounds seven shillings and six pence (£226 7s. 6d.) (being the total amount of rents now payable annually to the Trustees in respect of the leased portions of the said lands).
- (iii.) As to the residue of the said net income the same shall be accumulated by investing the same and the resulting income thereof in any of the investments hereby authorised to the intent that such accumulations shall be added to the principal fund until such principal fund and such accumulations shall together amount to the sum of Fifteen thousand pounds (£15,000). The expression "principal fund" where used in this paragraph shall mean the total amount from time to time held by the Church of England Property Trust Diocese of Sydney as proceeds of the sale of the said land and any part or parts thereof.
- (iv.) From and after the date when the principal fund and the accumulations referred to in paragraph (iii.) of this Clause shall have reached the sum of Fifteen thousand pounds (£15,000) there shall be paid to the Churchwardens of the Church of St. John Parramatta from year to year out of the said net income in lieu of the payment directed to be made to them out of the said net income by paragraph (ii.) of this Clause such an

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amount as will with the annual rents of the unsold portions of the said land from year to year received make up the sum of Four hundred and fifty pounds (£450), and the balance of the said net income from time to time received by the said Church of England Property Trust Diocese of Sydney shall be accumulated by investing the same and the resulting income thereof in any of the investments hereby authorised to the intent that such accumulations shall be added to the said principal fund until such principal fund and accumulations shall together amount to the sum of Twenty-one thousand pounds (£21,000).

- (v.) When the principal sum and accumulations amount to the said sum of Twenty-one thousand pounds (£21,000) the surplus income from the same after fulfilling the foregoing provisions of this Ordinance shall be used as the Synod shall from time to time direct.

4. That if it is determined to purchase from any lessee or sub-lessee of any part or parts of the said land or from any other person the interest of such lessee or sub-lessee or other person in such land then the purchase price for such interest may be paid or provided for out of the residue of the proceeds of the sale of any part or parts of the said land referred to in Clause 3 of this Ordinance.

5. This Ordinance shall be styled and cited as the "St. John's Parramatta Land Sale Ordinance 1931."

THE SCHEDULE HEREINBEFORE REFERRED TO.

FIRST PART.

All that piece or parcel of land containing by admeasurement twelve acres and twenty-eight perches be the same more or less situated in the County of Cumberland and Parish of Saint John Town of Parramatta bounded on the North by the Great Western Road being a line bearing East four degrees fifty-seven minutes South five chains and eight links on the East by another part of the Glebe and by Crown Land being a line bearing South fifty-five minutes East twenty chains ninety-six links and on the South by the Race Course being a line bearing South seventy-four degrees West six chains twenty-nine links and on the West by Crown Land being a line bearing North

one degree forty-five minutes East twenty-three chains sixteen links—Reserving the right to continue Early Street and Lansdowne Street through the same.

And also all that other piece or parcel of land containing by admeasurement eight acres three roods and fifteen perches be the same more or less situated in the County Parish and Town aforesaid bounded on the South by the Great Western Road bearing East five degrees thirty minutes South sixteen chains ninety-five links on the East by a line bearing North six degrees ten minutes East five chains sixteen links on the North by a line bearing West six degrees fifty minutes North sixteen chains ninety links and on the West by a line bearing South six degrees seven minutes West five chains thirty-five links.

And also all that other piece or parcel of land containing by admeasurement one acre one rood and twenty-four perches be the same more or less situated in the County Parish and Town aforesaid bounded on the North by the Great Western Road being a line bearing East four degrees fifty-seven minutes South five chains eighty links on the East by Crown land being a line bearing South five degrees fifteen minutes West two chains and forty-nine links on the South by Crown land being a line bearing West five degrees North five chains fifty-five links and on the West by another part of the Glebe being a line bearing North fifty-five minutes East two chains fifty-one links (Advertised as No. 39 in the Government Notice dated 28th June 1842).

THE SECOND PART.

All that piece or parcel of land containing by admeasurement seventeen acres two roods and sixteen perches be the same more or less situated in the County of Cumberland and Parish of Saint John at Parramatta commencing on the Penrith Road at the North-East corner and bounded on the East by a line bearing South one degree forty-five minutes West eleven chains fifty-two links partly on the South by a measured portion containing two acres and nineteen perches being a line bearing West one degree forty-five minutes North three chains seventy-five links again on the East by that measured portion being a line bearing South one degree forty-five minutes West six chains forty-three links on the South by the Race Course being a line bearing South seventy-four degrees West seven chains sixty links on the West by part of the Glebe being a line bearing North fifty-five minutes West eighteen chains fifty links. On the North by a portion of the Glebe land being a line bearing East five degrees

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South five chains fifty-five links to Blakefield's allotment again on the East by part of that allotment being a line bearing South five degrees fifteen minutes West one chain sixty-three links again on the North by Blakefield's Allotment being a line bearing East five degrees forty-five minutes South one chain twenty-two links again on the West by Blakefield's allotment being a line bearing North five degrees fifteen minutes East four chains fourteen links to the Penrith Road and again on the North by the Penrith Road being a line bearing East four degrees fifty-seven minutes South four chains ninety-four links to the North-East corner aforesaid (advertised as No. 119 in the Government Notice dated 19th February 1849).

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

A. E. TALBOT,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of May, 1931.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th May, 1931.