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*"St. Mark's Glebe Reversions Sale Ordinance 1936."*

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No. 5, 1936.

AN ORDINANCE to authorise the sale of certain land situated at Randwick in the County of Cumberland and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS by Crown Grant bearing date the third day of June One thousand eight hundred and fifty-seven recorded and enrolled in the General Registry Office at Sydney in the Register of Grants of the United Church of England and Ireland No. IV page 57/1 the land therein mentioned and described in the schedule hereto (hereinafter called "the said land") was granted unto Thomas Whistler Smith Thomas Sutcliffe Mort John Croft Robert Tooth and James Norton Junior being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of New South Wales 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 subject to the trusts conditions reservations and provisos hereinafter contained to hold unto the said Thomas Whistler Smith Thomas Sutcliffe Mort John Croft Robert Tooth and James Norton Junior their heirs and assigns for ever yielding and paying therefor yearly the quit rent or sum of one farthing for ever if demanded 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 Greenoaks Darling Point and known as St. Mark's in conformity with the provisions of the said Act and of a certain other act of the Governor and Legislative Council of New South Wales made and passed in the seventh year of the reign of his said 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 Grant and for no other purpose whatsoever and subject to the further conditions therein mentioned AND WHEREAS certain leases were granted and a certain portion has been taken by the Crown for public purposes and certain lands have been sold in accordance with the provisions of the St. Mark's Glebe Sale Sydney Grammar School Ordinance 1928 and

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the St. Mark's Glebe Sale (Bligh) Ordinance 1936 AND WHEREAS by "The Saint Mark's Glebe Trustees Acceptance Ordinance 1910" the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) was thereby requested to accept the office of Trustee of the Glebe known as Saint Mark's Glebe Sydney and in the event of it so accepting it was thereby relieved from the obligations if any of enquiring into or taking any action in respect of the past administration of the trusts relating thereto AND WHEREAS by Deed of Consent bearing date the third day of May One thousand nine hundred and eleven Registered No. 737 Book 933 John Charles Archbishop of Sydney did thereby as the Bishop of the Diocese of Sydney consent that the property mentioned in the schedule thereto being the whole of the land comprised in the hereinbefore recited Grant and being the Glebe referred to in the hereinbefore mentioned Ordinance should henceforth become and be vested in the said Trust its successors and assigns subject nevertheless to such encumbrances liens and interests (if any) and also subject to the trusts in the said Crown Grant expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS the said property is Church Trust Property AND WHEREAS it is expedient by reason of circumstances subsequent to the creation of the aforesaid trusts it has become inexpedient to carry out and observe such trusts in their entirety and it is expedient to sell the remainder of the said land excepting thereout Lots 29 30 and 31 of Section 3 of a Subdivision of St. Mark's Glebe Randwick in manner hereinafter provided and to make the further provisions hereinafter contained Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said trusts to which the remainder of the said land excepting thereout the said Lots 29 30 and 31 of Section 3 of the said Subdivision is now subject it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to sell the said land as hereinafter provided and to make the further provisions hereinafter contained.

2. The said Trust may from time to time sell the said land or any portion or portions thereof subject to the Leasehold Estate outstanding (if any) by public auction or private contract and either in one lot or in several lots at such price or prices and

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upon such terms and conditions as the Standing Committee of Synod by resolution from time to time shall determine with power to vary or rescind any resolution made hereunder.

3. The said Trust with the approval by resolution of the said Standing Committee shall have full power to accept surrenders of any lease or leases affecting the said land or any part or parts thereof and to purchase any outstanding interest in the said land or any part or parts thereof. And the said Trust is hereby directed to execute the deed or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or sales or other dealing authorised by this Ordinance. The said Trust shall have full and absolute powers of managing and controlling any property acquired in the manner referred to in this clause pending the sale of the same and may use the revenues of the said land not otherwise appropriated for such purposes.

4. The purchase money arising from such sale or sales shall be paid to the said Trust and shall be applied by the said Trust in payment of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or conveyance of the said land or any part or parts thereof and the matters referred to in clause 3 hereof or any of them and the balance shall be invested in any one or more of the investments following that is to say:—

- (a) 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.
- (b) The purchase of real or leasehold estate within the Commonwealth.
- (c) Fixed Deposit in any Bank carrying on business within the Commonwealth.
- (d) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (e) Municipal Debentures of any State Capital.
- (f) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth.
- (g) Deposits in any Government Savings Bank within the Commonwealth;

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and the said Trust may from time to time vary or release any of such investments.

5. (a) In the case of the sale of a reversion of land in fee simple after the purchase of the lease or leases affecting the said land under clause 3 hereof so much of the net income arising from the said purchase money and/or the investments thereof as equals the amount of ground rent reserved in the lease to which the said land was subject (less any Statutory deductions in force) shall be applied to the general purposes of the trust and the balance thereof shall be accumulated and invested at compound interest until the date when the lease would have expired by effluxion of time had the property not been sold or had the outstanding interest not been purchased as aforesaid.

(b) From and after the respective dates referred to in sub-clause (a) the total income arising from the investments of the said moneys including such accumulation shall be applied to the general purposes of the trust or in such other manner as the Synod by Ordinance shall from time to time direct.

6. This Ordinance shall be styled and cited as the "St. Mark's Glebe Reversions Sale Ordinance 1936."

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SCHEDULE.

ALL THOSE pieces or parcels of land in our said territory containing by admeasurement forty acres be the same more or less situated in the County of Cumberland and Parish of Alexandria near Coogee First portion containing thirty acres three roods and nine perches situate in the County of Cumberland and Parish aforesaid near Coogee aforesaid commencing on the Frenchman's Road at a point distant one chain and twenty-five links West from the West boundary line of Stuart Alexander Donaldson's allotment number sixty-one and bounded on the east by a line bearing South two chains and ninety links; on the North by a line bearing East seventy-five links; again on the east by the West side of a road fifty links wide dividing it from the aforesaid street Alexander Donaldson's allotment number 61 by the West boundary lines of W. Robert's allotment number 60 and A. Dick's allotment number 59 by the West side of a road fifty links wide dividing it from part of A. Dick's allotment

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number 58 and by the West side of Nathan Street being in all a line bearing South fourteen chains and eight links; on the North-East by Nathan Street bearing South 19 degrees 40 minutes East seven chains and forty-two links South one chain and ninety links South seventeen degrees five minutes East four chains and ninety-one links and South one chain and seventeen links on the South by the North boundary of James Hart's allotment number 35 and its Westerly continuation being in all a line bearing West eight chains and ten links to the West bank of a creek again on the East by the West bank of that creek dividing it from the aforesaid James Hart's allotment number 35 and from J. Hart's allotment number 34 southerly to Allison Road on the South-West by that road bearing West twenty-two degrees fifty minutes North six chains and thirty-seven links to St. Mark's Road; on the West by that road bearing North seventeen degrees forty-five minutes West three chains and sixty links North twelve chains and eighty-two links North eighteen degrees thirty minutes East six chains and twelve links and North one degree four minutes East five chains and seventy-five links to the Frenchman's Road aforesaid and on the North-West by the Frenchman's Road bearing North fifty-five degrees fifteen minutes East four chains and forty-seven links North thirty-three degrees thirty minutes East five chains and ninety-six links and North forty-two degrees East one chain and seven links to the point of commencement exclusively of a road one chain wide passing through this land the centre of which commences at the North-West corner thereof being the South-Easterly intersection of St. Mark's Road with the Frenchman's Road bearing thence East fifteen degrees South three chains thirty-five links East twenty-seven degrees South three chains ten links East forty-four degrees thirty minutes South one chain fifty-five links and South nineteen degrees forty minutes East to its junction with the Western side of Nathan Street the area of which road has been deducted from the total area Second Portion containing nine acres and thirty-one perches situate in the County and Parish aforesaid near Coogee aforesaid commencing on Allison Road at the South-East corner of C. Nathan's five acres two roods and thirty-three perches and bounded on the West by a line dividing it from that land and from I. Wood's seven acres and thirty-four perches bearing North thirteen chains and two links to the South-East corner of A. McGee's six acres three roods on the North by a line bearing East one chain being the extremity of a road one chain wide; again on the West by that

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road one chain wide dividing it from A. McGee's land aforesaid bearing North eight chains and forty links on the North-East by Chapel Road one chain wide bearing East fifty-two degrees thirty minutes South six chains and thirty-four links East seventy-one degrees twenty-seven minutes South one chain and sixteen links to St. Mark's Road one chain wide; on the East of St. Mark's Road bearing South ten chains and seventy links East seventy-two degrees fifteen minutes South two chains and eighty-six links and South eighty-seven links to Allison Road; on the South-East by that road one chain wide bearing South seventy-two degrees fifteen minutes West three chains and eighty-nine links and on the South by the same road bearing West two chains and forty-three links to the corner of commencement Advertised as No. 1 in the Government Notice dated the 1st of February 1856.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Thirtieth day of March, 1936.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

1st April, 1936.