

*St. Mark's Granville Land Sale Ordinance 1938.*

No. 13, 1938.

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

WHEREAS by Indenture of Conveyance bearing date the 20th day of October 1877 Registered No. 426 Book 174 Made Between Hugh Fairclough therein described of the one part and the Right Reverend Frederick Barker Lord Bishop of Sydney of the other part for the considerations therein mentioned the said Hugh Fairclough did grant bargain sell alien release and confirm unto the said Frederick Barker and his successors Bishops of Sydney All That piece or parcel of land therein described of which the land in the schedule hereto forms part to hold the same unto the said Frederick Barker and his successors Bishops of Sydney Upon Trust for the erection thereon of a Church of the United Church of England and Ireland as by law established in conformity with the provisions 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 entitled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" 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 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" and for no other purpose whatsoever AND WHEREAS the present Archbishop of Sydney is the successor of the said Frederick Barker as Bishop of Sydney AND WHEREAS by Indenture of Conveyance and Release dated the second day of April One thousand nine hundred and thirty Registered Number 446 Book 1624 Made Between the Most Reverend John Charles Wright D.D. Archbishop of Sydney of the first part Charles Richard Walsh of Sydney Diocesan Registrar and Herbert Victor Archinall of Sydney Diocesan Accountant (the Trustees appointed under the provisions of the Public Works Act 1912 to receive the compensation money therein mentioned and in that capacity therein termed the Trustee) of the second part His Most Gracious Majesty King George V. of the third part the Minister for Public Works of the fourth part and the Council of the

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Municipality of Holroyd of the fifth part Portion of the land in the hereinbefore recited Conveyance was conveyed and released to His Most Gracious Majesty King George V. as therein mentioned and there now only remains the land comprised in the schedule hereto (hereinafter designated the said land) AND WHEREAS the said land is Church Trust Property AND WHEREAS by a Provisional Contract dated the twenty-fifth day of August One thousand nine hundred and thirty-eight Howard West Kilvinton Mowll the present Archbishop of Sydney entered into a contract with one Percy Charles Whitehead Carpenter of Water Reserve Road Canley Vale for the sale of the said land at the sum of One hundred and fifty pounds (£150) of which a deposit of ten pounds (£10) has been paid to the Diocesan Secretary the balance of One hundred and forty pounds (£140) to be paid upon completion AND WHEREAS the said contract was subject *inter alia* to the following conditions:—

- (1) This contract is a provisional contract subject to the Standing Committee of the Diocese of Sydney passing an Ordinance confirming this sale.
- (2) The Title starts with a Conveyance from Hugh Fairclough of the one part and the Right Reverend Frederick Barker Lord Bishop of Sydney of the other part Registered No. 426 Book 174 and the Vendor shall not be bound to supply any particulars or Abstract of Title prior to such Conveyance.

AND WHEREAS 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 said land and otherwise confirm the beforementioned contract in manner hereinbefore 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 said land 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 and confirm the provisional contract dated the twenty-fifth day of August 1938 made between Howard West Kilvinton Mowll the present Archbishop of Sydney with one Percy Charles Whitehead for the sum of One hundred and fifty pounds (£150) and to make the further provisions hereinafter contained.

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2. The said land being the land described in the Schedule hereto may be sold by the said Archbishop of Sydney under and in pursuance of the beforementioned contract entered into by him as aforesaid or on such other conditions as the said Archbishop may deem expedient freed from such trusts as aforesaid or failing the said contract then the said land may at any time hereafter be sold by Public Auction or private contract either in one lot or several lots at such price or prices and upon such terms and conditions as the said Archbishop may deem expedient freed from such trusts as aforesaid.

3. The said Archbishop shall execute the deed or deeds necessary for the purposes of carrying any such sale into effect and during the absence from New South Wales of the said Archbishop the person for the time being entitled to exercise the powers vested in the Archbishop (hereinafter called the Administrator) shall execute the deed or deeds necessary for the purpose of carrying any such sale as aforesaid into effect and vesting the title in the purchaser absolutely.

4. The net proceeds arising from the sale or sales of the said land shall be paid to the said Archbishop or the said Administrator as the case may be and applied by him as follows:—

(a) In payment of rates and taxes if any as also the costs of and incidental to the provisional contract also this Ordinance and any sale or conveyance in pursuance thereof.

(b) The balance of the money in respect hereof shall be paid to the Church Building Loan Fund the receipt of the Treasurer for the time being to be an effectual discharge to be applied by such Treasurer in or towards the liquidation of certain advances made by such fund to the said Parish.

5. This Ordinance shall be styled and cited as the "St. Mark's Granville Land Sale Ordinance 1938."

### THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing one rood fifteen and one-quarter perches situate in the Parish of St. John County of Cumberland being part of one rood twenty perches comprised in Conveyance No. 426 Book 174 dated twentieth of October One thousand eight hundred and seventy-seven Commencing at a point on the north-eastern side of Parramatta Road

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bearing two hundred and ninety-three degrees thirty-five minutes twenty seconds ninety-three feet one and one seven-eighth inches from the intersection of that side with the south-western boundary of the Great Western Railway thence on the south-east by a line north-east bearing twenty-six degrees thirty-seven minutes forty-five seconds eighty-three feet eight and three-quarter inches to that Railway boundary thence on the north-east south-east and again on the north-east by that boundary north-west fifty feet north-east seven feet six inches and north-west fifty-eight feet ten inches to the north-eastern corner of Lot 9 in the subdivision of the grant of thirty acres on the Parramatta Road aforesaid to John Harris again on the north west by part of the south-east boundary of that lot bearing south-westerly two hundred and six degrees thirty-seven minutes forty-eight seconds one hundred and sixty-eight feet five and one-quarter inches to the north-east side of Parramatta Road and thence again on the south-west by that side bearing one hundred and thirteen degrees thirty-five minutes twenty seconds seventy feet one and one-quarter inches to the point of commencement which side of Parramatta Road is also the north-east boundary of the resumption of four and three-quarter perches to widen that road vide 29 M 1535 Gazette notice fifteenth February One thousand nine hundred and twenty-nine Folio 822.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this nineteenth day of December, 1938.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER,

Bishop Coadjutor, Commissary.

22nd December, 1938.