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*The St. Mark's Glebe Sale (Bligh) Ordinance 1936.*

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No. 3, 1936.

AN ORDINANCE to authorise the sale of Lots 6, 7, 8 and 9 of Section 3 St. Mark's Glebe Estate situated at Saint Mark's Road 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 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 therein after 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 fathing 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 Greenoakes 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 by "The St. Mark's Glebe Trustees Acceptance Ordinance 1910" the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) were thereby requested to accept the

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office of Trustees of the Glebe known as Saint Mark's Glebe Sydney and in the event of their so accepting they were 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 the land described in the Schedule hereto forms portion of the said Glebe 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 their 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 by Indenture of lease bearing date the 23rd day of December One thousand nine hundred and thirteen Registered No. 965 Book 1017 made between the said Trust of the one part and John Henry Smedmore Enemark of the other part for the considerations therein mentioned the said Trust did demise and lease unto the said John Henry Smedmore Enemark all those pieces or parcel of land described in the Schedule hereto to hold the same from the Thirtieth day of November One thousand nine hundred and thirteen for the term of Sixty-seven years five months thence next ensuing subject to the terms and conditions therein mentioned Yielding and Paying during the said term the sum of Nine pounds (£9) per annum starting from the thirtieth day of November One thousand nine hundred and thirteen such payments to be made by half yearly instalments of Four pounds ten shillings (£4/10/0) each in advance and subject to other conditions therein contained AND WHEREAS by divers meane assurances and ultimately by assignment of lease dated the sixth day of April One thousand nine hundred and thirty-five registered No. 846 Book 1716 made between James Ambrose Bardon Christopher Stanley and George Martin Simpson of the one part and Ernest Bligh of Coogee in the State of New South Wales Builder of the other part the interests of the said James Ambrose Bardon Christopher Stanley and George Martin Simpson under the hereinbefore recited lease of the land described in the schedule hereto became vested in the said Ernest Bligh

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AND WHEREAS by Provisional Contract bearing date the eleventh day of November One thousand nine hundred and thirty-five the said Trust sold to the said Ernest Bligh Lots 6, 7, 8 and 9 of Section 3 of Saint Mark's Glebe Estate in accordance with plan of subdivision at present in the office of the Secretary of the said Trust and being the land described in the Schedule hereto AND WHEREAS in the said Contract it was stated that the said Trust was merely selling its reversionary interest in the property subject to the leasehold estate outstanding and so that it would receive the full sum of Four hundred and fifty pounds (£450) clear and also that the Contract was subject to an Ordinance being passed by the Synod or the Standing Committee of the Diocese of Sydney approving of the sale AND WHEREAS it is expedient that the land described in the Schedule hereto should be sold subject to the Leasehold Estate now outstanding in respect thereof in pursuance of the said Contract and the proceeds of such sale applied in manner hereinafter appearing 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 by the land Ordinance Procedure and Delegation of Powers Ordinances and in pursuance of the powers vested in the said Synod by the constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts of the land described in the Schedule hereto it is expedient to sell the same in pursuance of the hereinbefore-mentioned Provisional Contract.

2. The said Trust may at any time hereafter sell the land described in the Schedule hereto for the sum of Four hundred and fifty pounds (£450) subject to the Leasehold Estate outstanding upon the terms and conditions mentioned in the before-mentioned Provisional Contract and/or such other terms and conditions as the Trust may deem expedient.

3. The purchase money arising from such sale 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 the before mentioned Provisional Contract this Ordinance and

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the said sale and the transfer or Conveyance of the said land in pursuance thereof (if and so far as the same are not otherwise provided for) and the balance applied as follows:—

- (a) To pay out of the income arising out of such moneys the sum of nine pounds per annum less twenty-two and a half per centum (£2/0/6) so long as the statutory provisions which provide for the said reduction of rents is in force and thereafter the sum of nine pounds per annum for the purpose of the present subsisting trust until the thirtieth day of April One thousand nine hundred and eighty-one.
- (b) To accumulate the balance of the income arising from such moneys in excess of the sum mentioned in subsection (a) and invest the same at compound interest until the thirtieth day of April One thousand nine hundred and eighty-one.
- (c) From and after the thirtieth day of April One thousand nine hundred and eighty-one to apply the total income arising from the investments of the said moneys including such accumulation as the said Synod shall from time to time direct.

4. The said moneys held upon such trust may be invested in any one or more of the investments following that is to say:—

- (a) The purchase of real estate;
- (b) Any public funds or Government stock or Government security bonds debentures inscribed stock or treasury bills of or guaranteed by the Federal Government;
- (c) First mortgage on real property situated within the said Commonwealth;
- (d) Stocks funds or securities in or upon which by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested;
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (f) Municipal Debentures of any State Capital;
- (g) Mortgage bonds under any of the Savings Bank Acts of the Federal Government;
- (h) Deposits in any Government Savings Bank within the Commonwealth;

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- (i) On fixed deposit in any Bank carrying on business in the State of New South Wales.

And the said Trust may from time to time vary or release or raise money on the security of such investments or the said moneys may be invested in such other manner or applied for such purposes as the Synod may by Ordinance direct.

5. This Ordinance shall be styled and cited as the St. Mark's Glebe Sale (Bligh) Ordinance 1936.

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THE SCHEDULE REFERRED TO.

All that piece or parcel of land being Lots 6, 7, 8 and 9 of Section three of a sub-division of St. Mark's Glebe Randwick having a frontage of three hundred and one feet six inches to St. Mark's Street on the West and about 290 feet three inches frontage to a Reserve on the East by depths on the North of 205 feet and on the South of 230 feet 2 inches on the plan lodged in the office of the Diocesan Registry Sydney.

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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 Twenty-third day of March, 1936.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

24th March, 1936.