
*Youth Department Diocese of Sydney Land Sale
Ordinance 1958.*

No. 16, 1958.

AN ORDINANCE to authorise the sale of certain land at Leura held for the benefit of the Youth Department Diocese of Sydney.

WHEREAS by memorandum of Transfer dated 24th July, 1944, made between the Executors of the Will of the late Edric Hubert Brady as transferors, Mary Elizabeth Austin and Ada Agnes Austin as directing parties and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) as Transferee the land comprised in Certificate of Title Volume 5405 Folio 1 situated at Leura in the Parish of Jamieson County of Cook was transferred to the said Corporate Trustee AND WHEREAS by Indenture of Settlement dated 7th September, 1944 made between the said Mary Elizabeth Austin and Ada Agnes Austin therein called settlers of the one part and the said Corporate Trustee therein called The Trustee of the other part it was declared that the said Memorandum of Transfer had been executed to the intent that the said land should be held by the Corporate Trustee upon the trusts and with and subject to the powers and provisions hereinafter expressed to wit that the said land, the net proceeds of sale in the event of the sale of any part or parts thereof and the investments thereof and the income from time to time arising either from the trust premises and proceeds of sale or investment thereof should be held upon trust for the Board of Education and of the Church of England in the Diocese of Sydney to be used and applied for such of the purposes of that Board as it may in pursuance of its functions and powers as prescribed by "The Board of Education Ordinance 1919" or any other Ordinance amending the same or in substitution therefor, from time to time determine AND WHEREAS part of the said land, viz. Lot. 28, D.P. 4224, has been sold and the net proceeds thereof amounting to Ninety-four pounds nine shillings and sixpence (£94:9:6) are held by the Corporate Trustee AND WHEREAS by the Board of Education (Leura Land) Variation of Trusts Ordinance 1951 it was provided that the land described in the Schedule thereto (being the residue of the land comprised in the said Certificate of Title Volume 5405 Folio 1 as more particularly described in the Schedule hereto) and the proceeds of sale of any part or parts thereof and the investments representing the same and the income from time to time thereafter arising from the said land or the proceeds

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of sale or the investments thereof be held ^{and} used and applied for the purpose of the Church of England Youth Department within the Diocese of Sydney in accordance with the provisions of "The Youth Department Ordinance 1949" or any ordinance amending the same or in substitution therefor AND WHEREAS by virtue of the powers conferred upon the Corporate Trustee by the said Indenture of Settlement the Corporate Trustee was directed and empowered without the necessity of obtaining any further or other consent or direction whether from the Settlers or any other person or body to inter alia sell and absolutely dispose of the said land and premises or any part or parts thereof if and whenever the Corporate Trustee should in its absolute discretion deem advisable to do so and so that any such sale may be made upon such terms as to payment of the purchase money as the Corporate Trustee might deem proper and to lay out and construct roads on the said land and to dedicate the same to the use of the public AND WHEREAS it is desired to sell the said land in pursuance of the powers contained in the said Indenture of Settlement but the said Indenture has been lost or mislaid and cannot be produced to the Registrar General in support of the exercise of the power of sale therein contained AND in consequence thereof it has become necessary to confirm such power and authority as hereinafter appears NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:—

1. By reason of circumstances which have arisen subsequent to the trusts upon which the land described in the Schedule hereto is held it is expedient that the said land be sold.

2. The Corporate Trustee is hereby authorised and empowered to sell the said land together or in parcels by public auction or private contract at such time or times and upon such terms and conditions as it shall think fit and to lay out and construct roads on the said land and to dedicate the same to the use of the public.

3. The proceeds of the said sale or sales shall after paying thereout the costs and expenses of and incidental to this Ordinance and of all charges and outgoings properly chargeable against the said land and the costs and expenses of and incidental to the sale and transfer thereof be held upon the trusts concerning the same declared by the Board of Education (Leura Land) Variation of trusts Ordinance 1951.

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4. This Ordinance may be cited as "Youth Department Diocese of Sydney Land Sale Ordinance 1958".

SCHEDULE

Land at Leura Parish of Jamieson County of Cook being Lots 8, 9, 10, 20 to 24 inclusive and 33 to 39 inclusive Deposited Plan 4224 being the residue of the land comprised in Certificate of Title dated 15th December, 1943 Volume 5405 Folio 1.

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

H. GORDON S. BEGBIE,
Acting Chairman of Committees,

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 29th day of September, 1958.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

29/9/1958.