

St. John's Camden Werombi Land Sale.

2
Standing Committee of Synod—Diocese of Sydney.

Under the powers given to the Standing Committee by the
"Church of England Trust Property Act 1917."

AN ORDINANCE to authorise the sale of certain lands situated in the County of Camden Parish of Werombi and to provide for the application of the proceeds thereof.

WHEREAS by an Indenture of Conveyance bearing date the thirtieth day of December One thousand eight hundred and seventy and made between George Macleay therein described of the one part and Arthur Onslow and James Kinghorne Chisholm therein described of the other part and Registered No. 680 Book 124 the said George Macleay did grant bargain sell and release unto the said Arthur Onslow and James Kinghorne Chisholm and their heirs all those pieces or parcels of land more particularly described in the Schedule hereto TO HAVE AND TO HOLD the said lands and hereditaments unto and to the use of the said Arthur Onslow and James Kinghorne Chisholm (hereinafter described Trustees) their heirs and assigns for ever AND IT WAS THEREBY DECLARED that the said George Macleay did thereby expressly contract with the said Trustees or the survivor of them or the heirs or assigns of such survivor or other the Trustee or Trustees for the time being of those presents should stand seised of the said lands and hereditaments UPON TRUST that they or he should from time to time demise and let the same in one lot or in several lots on farming leases for any term or number of years not exceeding seven years in possession and should manage and order all the affairs of the said land and hereditaments as regards occupation cultivation repairs insurance against fire receipt of rents indulgences and allowances to tenants and all other matters and that it should be lawful for the said Trustees or Trustee from time to time to grant building repairing improving or other leases of the said land and hereditaments or any part or parts thereof for such term or terms not exceeding twenty-one years at such rent or rents and generally on such conditions as the said Trustees should deem expedient either

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taking or not taking fines or premiums which if taken should be applied in manner hereinafter mentioned AND IT WAS FURTHER DECLARED AND AGREED that the said Trustees or Trustee should receive all rents fines and premiums which should become payable in respect of the said land and hereditaments or any part thereof and should thereout in the first place pay or retain and satisfy all costs charges and expenses incidental to the execution of the trusts thereby created including the costs of any insurances against fire and of any repairs which might respectively be deemed advisable and in the next place should apply the residue or surplus of such rent fines and premiums in and towards the maintenance and support of a clergyman or catechist of the Church of England duly appointed and licensed by the Bishop of the Diocese for the purpose of affording religious instruction to the inhabitants of the Brownlow Hill Estate formerly belonging to the said George Macleay situate in the district of Narellan or the immediate neighbourhood thereof YE· SO NEVERTHELESS that with regard to any fine or premium the whole of such fine or premium should not be paid at once to any such clergyman or catechist but the said fine or premium or the net amount thereof should be divided into so many equal parts as there should be years in the term or lease in respect of which such fine or premium should have been paid to the said Trustees or Trustee and that they or he should in each of such years pay one such part to such clergyman or catechist for the time being with liberty nevertheless to the said Trustees or Trustee at their or his sole direction to invest and vary the investments of any such fine or premium or any part thereof and to call in the money so invested and to apply the principal interest capital dividend income produce and proceeds of every such investment in such manner as the money would have been applicable if such investment had not been made AND WHEREAS the said James Kinghorne Chisholm being the sole surviving trustee of the land described in the hereinbefore recited Indenture of Conveyance dated the thirtieth day of December One thousand eight hundred and seventy by deed under his hand and seal bearing date the first day of September One thousand nine hundred and eight transferred the said lands to the corporate body known as "The Church of England Property Trust Diocese of Sydney" and such land is now vested in the said corporate body (hereinafter called

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the said Trustee) AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts, it is expedient to sell the land described in the Schedule hereto AND WHEREAS by an Act of Parliament passed in the eighth year of the reign of his Majesty King George the Fifth entitled the "Church of England Trust Property Act 1917" (No. 21) it was enacted that during the recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance of Synod might in place of such Synod exercise such of the powers and functions referred to in the said Act as should be determined by Ordinance of the Synod AND WHEREAS by an Ordinance of the Synod passed in the year One thousand nine hundred and eighteen the Standing Committee was appointed for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions and do and make all or any of the things referred to in sections twenty-six to thirty-one (inclusive) constituting Part VI. of the said Act Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance 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 and by the "Church of England Trust Property Act 1917" or otherwise in the name and in place of such Synod ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trust firstly hereinbefore recited it is expedient to sell the said land described in the Schedule hereto.

2. The land described in the Schedule hereto may at any time hereafter be sold and absolutely disposed of freed from any trust existing in respect of the same either in one lot or in parcels by public auction or private contract at such price or prices for cash or on terms and subject to any stipulations or conditions as to title or otherwise which may be deemed proper with power for the said Trustee to buy in at any sale by auction and to rescind or vary any contract for sale and to enter into any new contracts for the sale of such land and for any of

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the purposes aforesaid to execute and do all such deeds assurances and things as the said Trustee shall think fit and with full power for the said Trustee to dedicate lay out and make through or over the said land such roads streets ways and other works as to the said Trustee may seem necessary or proper.

3. The proceeds of any such sale shall be paid to the said Trustee and shall be applied in the first place in or towards the payment of the costs charges and disbursements of and incidental to this Ordinance and to the sale of the said property including the works aforesaid and subject thereto shall be invested upon any of the investments hereinafter authorised and the net income arising from such investments shall until otherwise determined by Ordinance of Synod be paid to the Churchwardens for the time being of the said Parish of St John's Camden to be applied by them in and towards the maintenance and support of a clergyman or of an living Agent or Agents employed in the work of the Church of England in the said Parish with the concurrence of a majority of the said Churchwardens and of the Parish Council (if any) and of the Rector for the time being of the said Parish.

4. Any part of the said proceeds of sale available for investment under the provisions of this Ordinance may be invested by the said Trustee in any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or any of the States of the said Commonwealth or upon mortgage of freehold properties in any part of New South Wales or by deposit at interest with any Joint Stock Company carrying on the business of Bankers in Sydney with full power to the said Trustee from time to time to vary any such investments for any other or others of them

5. This Ordinance shall be styled and cited as the "St John's Camden Werombi Land Sale Ordinance 1923."

THE SCHEDULE.

All that parcel of land in the State of New South Wales containing by admeasurement one hundred and eighty-three acres be the same more or less situated in the County of Camden and Parish of Werombi. Commencing on the West boundary line of a measured portion of one hundred and eighty-four acres

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at a point distant fifty links bearing North one degree West of the North-west corner of a measured portion of one hundred and twenty-seven acres and bounded on the East by fifty links of the West boundary line of that one hundred and eighty-four acres and by the West boundary line of the aforesaid one hundred and twenty-seven acres being in all a line bearing South one degree East fifty-six chains to Wattle Creek on the South by that Creek upwards dividing it from H. H. McArthur's two thousand and eighty acres to the South-east corner of a measured portion of seventy-seven acres on the West by the East boundary line of that land bearing North thirty-one degrees West twenty-one chains to a road one chain wide along the crest of the range North of Wattle Creek and on the North-west by that road North-easterly dividing it from part of a measured portion of one hundred and seventy-six acres and from a measured portion of two hundred and twelve acres to the point of commencement being the land proclaimed as Lot two on the fifth August one thousand eight hundred and fifty-six and selected by the said George MacLeay under the eleventh paragraph of the Regulations of first March one thousand eight hundred and forty-three.

Also all that piece or parcel of land in the said State containing by admeasurement one hundred and twenty-seven acres be the same more or less situated in the County of Camden and Parish of Werombi commencing on Wattle Creek at the South-east corner of I. Lakeman's four hundred and three acres three roods and bounded on the North by the South boundaries of that land and a measured portion of one hundred and eighty-four acres being in all a line bearing West one degree South forty-nine chains on the West by the East boundary line of a measured portion of one hundred and eighty-three acres bearing South one degree East fifty-five chains fifty links to Wattle Creek on the South and East by Wattle Creek downwards dividing it from part of H. H. McArthur's two thousand and eighty acres and A. McLeay's one thousand six hundred and sixty-three acres to the South-east corner of I. Lakeman's four hundred and three acres three roods aforesaid being the land proclaimed as Lot one on fifth August one thousand eight hundred and fifty-six and selected by the said George MacLeay under the eleventh paragraph of the Regulations of first March one thousand eight hundred and forty-three.

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Ordinance dealt with in Committee and passed without amendment.

A. J. GOULD,

Chairman of Committee.

26/2-23.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney, this twenty-sixth day of February, 1923.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY,

March 6, 1923.