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*St. John's Church Gordon Road Widening and  
Cemetery Enlargement Ordinance of 1931.*

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**No. 9. 1931.**

AN ORDINANCE to authorise the vesting in the Municipality of Ku-ring-gai of certain lands situate in Lane Cove Road and St. John's Road Gordon County of Cumberland and to provide for the application of the compensation moneys to be received for part thereof and to authorise the addition to the Cemetery attached to St. John's Church Gordon of certain other land now forming part of the Church and School lands.

WHEREAS by Grant from the Crown dated the seventeenth day of August One thousand eight hundred and seventy-one Registered Volume 124 Folio 206 certain land therein particularly described and situate at Gordon in the State of New South Wales was granted unto Robert Pymble William Henry McIntosh and John Brown their heirs and assigns for ever upon trust for a Church of England Parsonage AND WHEREAS by a further Grant from the Crown dated the seventeenth day of August One thousand eight hundred and seventy-one Registered Volume 124 Folio 207 certain lands therein particularly described and situate at Gordon aforesaid were granted unto the said Robert Pymble William Henry McIntosh and John Brown their heirs and assigns for ever upon trust for a Church of England School AND WHEREAS by a further Grant from the Crown dated the seventeenth day of August One thousand eight hundred and seventy-one Registered Volume 124 Folio 208 certain lands therein particularly described and situate at Gordon aforesaid were granted unto the said Robert Pymble William Henry McIntosh and John Brown their heirs and assigns for ever upon trust for a Church of England Church AND WHEREAS by a further Grant from the Crown dated the 18th day of August 1871 Registered Volume 124 Folio 205 certain land therein particularly described and situate at Gordon aforesaid was granted unto the said Robert Pymble William Henry McIntosh and John Brown their heirs and assigns for ever as Trustees for a Church of England Cemetery AND WHEREAS the lands described in the said recited Crown Grants are all situated within the Parish of Gordon at Gordon and have become vested in the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) AND WHEREAS the land comprised in the said Crown Grants

Volume 124 Folios 206 and 207 are subject to a Mortgage to the Australian Mutual Provident Society executed in pursuance of St. John's Church Gordon Mortgaging Ordinance of 1923 and there now remains owing upon the security of the said Mortgage the sum of £1700 or thereabouts AND WHEREAS the land described in the First Schedule hereto was some time since resumed on behalf of the Main Roads Board of New South Wales and such land was declared by proclamation to be a public road and was placed under the control of the Council of the Municipality of Ku-ring-gai AND WHEREAS by agreement between the said Trust and the Main Roads Board of New South Wales the compensation for such resumption has been fixed at the sum of Seven hundred and fifty pounds AND WHEREAS the Council of the Municipality of Ku-ring-gai has requested the said Trust to transfer to it the land described in the Second Schedule hereto for the purpose of widening the road known as St. John's Avenue and in consideration of such Transfer the said Council is willing to form the footpath and kerb same and erect new fencing and a retaining wall where necessary and also to exhume the bodies of persons buried in the land transferred and re-inter them in the land described in the Third Schedule hereto and to erect a suitable fence along the boundary of the area added to the cemetery AND WHEREAS part of the land described in the Second Schedule hereto is comprised in the said Crown Grant Volume 124 Folio 205 and is now used as part of the said cemetery AND WHEREAS the remainder of the land comprised in the said cemetery is not sufficient for the re-interment of bodies buried in that part of the land affected by such road widening and the interment of the bodies of persons having the right of burial in the said cemetery and it has therefore become necessary to provide for the enlargement of the said cemetery AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to vary the said trusts so as to provide for such resumption and road widening and enlargement of the said cemetery AND WHEREAS in order to provide for such enlargement it is necessary to vary the trusts of the said Crown Grants Volume 124 Folios 207 and 208 so as to provide that the land described in the Third Schedule hereto shall be freed of the trusts thereby declared and shall henceforth be annexed to and form part of the Church of England Cemetery at Gordon and be used for the interment of the dead in the same manner as the land comprised in the said Crown Grant Volume 124 Folio 205 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 Church of England Trust Property Act 1917 and by the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 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. By reason of circumstances subsequent to the creation of the said recited trusts it has become inexpedient to carry out or observe such trusts in respect of the lands described in the First Second and Third Schedules hereto.

2. That the land described in the First Schedule hereto shall be transferred to or vested in the Main Roads Board of New South Wales or the Council of the Municipality of Ku-ring-gai as may be required for the purpose of road widening on payment of compensation in the sum of £750 and subject to proper provision in the Release for the removal and re-erection of the gates wall and fencing.

3. That the land described in the Second Schedule hereto shall be transferred to or vested in the Council of the Municipality of Ku-ring-gai for the purpose of widening the road known as St. John's Avenue in consideration of the said Council undertaking to form the footpath and kerb same and erect new fencing and a retaining wall where necessary and also to exhume the bodies of persons buried in the land transferred and re-inter them in the land described in the Third Schedule hereto and to erect a suitable fence along the boundary of the area added to the cemetery.

4. That the land described in the Third Schedule hereto shall henceforth be held free of the Trusts contained in the said Crown Grants Volume 124 Folios 207 and 208 and shall be annexed to and form part of the Church of England Cemetery at Gordon and used for the interment of the dead in the same manner as the land comprised in the said Crown Grant Volume 124 Folio 205.

5. That the said compensation moneys so to be received by the said Trust shall be applied by it as follows:—

- (a) In payment of the costs and expenses of and incidental to this Ordinance and of the said resumption.

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- (b) In payment to the Australian Mutual Provident Society of the sum of £400 in reduction of the principal moneys owing to it in respect of the mortgage over the lands comprised in the said Crown Grants Volume 124 Folios 206 and 207.
- (c) In payment to the Trustees of the Church Buildings Loan Fund of ten pounds per centum of the said compensation moneys after deducting the moneys mentioned in sub-paragraphs (a) and (b).
- (d) In payment of the balance of the said compensation moneys to the credit of St. John's Church of England (Building Account) at the Australian Bank of Commerce Limited at Gordon.

6. This Ordinance shall be styled and cited as "St. John's Church Gordon Road Widening and Cemetery Enlargement Ordinance of 1931."

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland and State of New South Wales comprised within Crown Grants registered Volume 124 Folios 206 207 and 208; Commencing at the intersection of the southern side of St. John's Avenue with a south-western side of Lane Cove Road; and bounded thence on the north-east and east by part of the south-western and western sides of Lane Cove Road aforesaid being lines bearing 169 degrees 32 minutes 7½ inches 171 degrees 27 minutes 20 seconds 195 feet 4½ inches and 159 degrees 57 minutes 20 seconds 112 feet 10½ inches thence on the south by part of the southern boundary of the land in Certificate of Title Registered Volume 124 Folio 207 aforesaid being a fenced line bearing 261 degrees 4 minutes 42 seconds 18 feet 4½ inches; thence on the south-west and west by lines bearing consecutively 339 degrees 57 minutes 20 seconds 111 feet 1½ inches 351 degrees 27 minutes 20 seconds 187 feet 9 inches and 306 degrees 18 minutes 25 seconds 14 feet 1½ inches to the southern side of St. John's Avenue aforesaid; thence on the north by part of that side of that avenue bearing 81

degrees 9 minutes 30 seconds 27 feet 11 $\frac{1}{2}$  inches to the point of commencement—having an area of 20 $\frac{1}{2}$  perches or thereabouts.

#### THE SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land containing by admeasurement 5 $\frac{1}{2}$  perches situate at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland being part of the land comprised in Certificate of Title Volume 124 Folio 205; Commencing at a point on the south-eastern side of St. John's Avenue said point being bearing and distant 69 degrees 5 minutes 261 feet 2 inches from the intersection of that side of that Avenue and the north-east side of Oberon Crescent and bounded thence on the south-west and north-west by the north-eastern and south-eastern sides of St. John's Avenue aforesaid bearing and distant respectively 351 degrees 18 minutes 27 feet 9 inches 81 degrees 10 minutes 144 feet 4 $\frac{1}{2}$  inches thence on the north-east by part of the north-eastern boundary of land comprised in Certificate of Title Volume 124 Folio 205 being a fenced line bearing and distant 171 degrees 18 minutes 8 feet 0 inches and thence on the south-east by lines bearing and distant respectively 261 degrees 10 minutes 88 feet 4 $\frac{1}{2}$  inches 249 degrees 33 minutes 19 feet 7 inches 237 degrees 56 minutes 40 feet 1 $\frac{1}{2}$  inches to the point of commencement.

#### THE THIRD SCHEDULE REFERRED TO.

All that piece or parcel of land containing by admeasurement 14 $\frac{1}{2}$  perches situate at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland being parts of the land comprised in Certificates of Title Volume 124 Folios 207 and 208; Commencing at the south-western corner of the land comprised in Certificate of Title Volume 124 Folio 207 being bearing and distant 261 degrees 5 minutes 266 feet 9 $\frac{1}{2}$  inches from the south-western side of Lane Cove Road and bounded thence on the west by the western boundaries of the land comprised in Certificates of Title Volume 124 Folios 207 and 208 being a fenced line bearing and distant 351 degrees 18 minutes 225 feet 0 $\frac{1}{2}$  inches to the north-western corner of the land in Certificate of Title Volume 124 Folio 208 aforesaid, thence on the north by part of the northern boundary of the land comprised in Certificate of Title Volume 124 Folio 208 bearing and distant 81 degrees 10 minutes 18 feet 0 inches thence on the east by a line bearing

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and distant 171 degrees 18 minutes 225 feet 0½ inches to the southern boundary of the land comprised in Certificate of Title Volume 124 Folio 207 aforesaid and thence on the south by part of that boundary of that land comprised in Certificate of Title bearing and distant 261 degrees 5 minutes 18 feet 0 inches to the point of commencement.

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

A. J. GOULD,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this thirty-first day of August, 1931.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd September, 1931.