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*St. Stephen's Newtown Sale Ordinance 1939.*

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No. 10, 1939.

AN ORDINANCE to authorise the sale of certain land situate in Victoria Street Camperdown and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the Eighth day of September One thousand eight hundred and forty-five made between Elizabeth Bligh of the one part and the Bishop of Australia of the other part Registered No. 860 Book 37 all those the lands described in the schedule hereto were conveyed and assured to the said Bishop of Australia and his successors upon trust for the erection thereon of a Church the said Church to be used and employed as a place for the performance of Divine Service and other religious ordinances according to the rights of the United Church of England and Ireland as was then by law established and for all or any of the said or such other objects as the said Bishop of Australia or his successors should from time to time appoint And Upon Trust for all and every or any other of the purposes provided for in and by an act of the Governor of New South Wales with the advice of the Legislative Council thereof 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 under and subject to the enactments clauses and provisions thereof" AND WHEREAS the Most Reverend Howard West Kilvinton Mowll D.D. Archbishop of Sydney as the Bishop of the Diocese of Sydney has requested and it is expedient that the said land should henceforth become and be vested in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustee") its successors and assigns AND WHEREAS it has become inexpedient to carry out or observe the particular purpose or purposes for which the said land is held AND WHEREAS it is expedient that the said land be sold and that the proceeds of sale and the income therefrom be applied as hereinafter provided Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of the circumstances subsequent to the creation of the trusts of the land described in the Schedule hereto it is expedient to vest the same in the Corporate Trustee.

2. The Synod hereby consents to the said land being vested and the same is hereby vested in the Corporate Trustee.

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3. By reason of circumstances subsequent to the creation of the said recited trusts it has become inexpedient to observe the said recited trusts and it has become expedient to sell the said land.

4. The said land may be sold by public auction or private contract either in one lot or in several lots at such time or times and at such price or prices and upon such terms and conditions as the Rector and a majority of the Church Wardens for the time being of the Parish of St. Stephen's Newtown may by resolution approve.

5. The Corporate Trustee shall execute the deed or deeds necessary for the purpose of carrying any such sale as aforesaid into effect.

6. The purchase money arising from any such sale shall be paid to the Corporate Trustee and all outgoings properly chargeable against the said land and the costs charges and expenses of and incidental to such sale or sales and of this Ordinance shall be paid out of the said purchase money.

7. The balance of the said purchase money remaining in the hands of the Corporate Trustee after the satisfaction of the costs charges expenses and other outgoings provided for in Clause 6 hereof may be applied by the Corporate Trustee as and when the Rector and a majority of the Churchwardens for the time being of the Parish of St. Stephen's Newtown shall deem expedient in or towards acquiring a suitable site (and in payment of the legal costs and expenses incidental thereto) and in preparing such site for and erecting thereon a Sunday School and Parish Hall to be held in trust for the Church of England in the Parish of St. Stephen's Newtown.

8. Pending the application by the Corporate Trustee of the balance of the said purchase money in or towards the acquisition of a suitable site and erection of such Sunday School and Parish Hall as referred to in Clause 7 hereof the balance of the said purchase money in the hands of the Corporate Trustee may be invested in any one of the investments following that is to say:—

- (a) Investments for the time being allowed by the law of any of the States of the Commonwealth of Australia for the investment of trust funds including fixed deposit in any Banking Company carrying on business in New South Wales

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and the Trust may from time to time vary or release any of such investments and the income arising therefrom shall be paid to the Rector and Churchwardens for the time being of the Church of St. Stephen's Newtown (whose receipt shall be a sufficient discharge therefor) to be applied in pursuance of the Sydney Church Ordinance 1912 or any Ordinance or Ordinances amending or taking the place of the same.

9. This Ordinance may be styled and cited as St. Stephen's Newtown Sale Ordinance 1939.

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THE SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT parcel of land containing by admeasurement one-fifth of an acre a little more or less situate lying and being at Bligh's Terrace near the City of Sydney in the County of Cumberland in the Colony of New South Wales commencing at the angle formed by Longdowne Street and Anne Street (being at the distance of one hundred and twenty feet from the Missenden Road) and bounded on the East by Anne Street being a line bearing by compass South thirty degrees East one hundred and forty-seven feet on the South by Isabella Street being a line bearing by compass West thirty degrees South seventy feet six inches on the West by Rose Street being a line bearing North thirty degrees West one hundred and forty-seven feet to Longdowne Street and on the North by Longdowne Street and being a line bearing East thirty degrees North seventy feet six inches to the commencing corner.

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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 Thirty-first day of July 1939.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

3rd August, 1939.