

Wallerawang Land Sale.

5/1902
 AN ORDINANCE to authorise the sale of certain Church lands situate at or near Wallerawang in the Parish of Lidsdale County of Cook in the State of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 23 September, 1902.)

WHEREAS by Certificate of Title dated eighteenth day of January in the year one thousand eight hundred and ninety registered Volume 956 Folio 213 A. Georgina Lyon Wolgan Abbott, James Walker Barton, Robert Smith Ashe, John James Bone, Thomas Mott Cox, William Pullen Gillman, James Hill, Albert John Nicholson, Louis Buckland Blackwell and Frederick Walter Tucker are registered as the proprietors of an estate in fee simple as joint tenants in that piece of land situated at Wallerawang in the Parish of Lidsdale and County of Cook containing one rood thirty and a quarter perches or thereabouts and being lots sixty-one and sixty-two on a plan deposited in the Registrar-General's Office Sydney numbered 1124 And whereas by Declaration of Trust dated the third day of December one thousand eight hundred and eighty-nine deposited in the Land Titles Office and numbered 2181 it is witnessed that the said Georgina Lyon Wolgan Abbott, James Walker Barton, Robert Smith Ashe, John James Bone, Thomas Mott Cox, William Pullen Gillman, James Hill, Albert John Nicholson, Louis Buckland Blackwell, and Frederick Walter Tucker, and the survivor of them and the executors administrators or assigns of such survivor did and should hold the said last mentioned land and the said Certificate of Title relating to the same subject to the provisions of the Act of the Governor and Legislative Council of New South Wales 8 William IV. No. 5 upon trust to permit the erection and maintenance

Wallerawang Land Sale.

thereon of a Parsonage or Minister's Dwelling House to be used occupied and enjoyed by the Church of England minister duly licensed to officiate in the Church of St. John at Wallerawang aforesaid. And it is thereby provided that the said Trustees might at any time or times raise any sum or sums of money on the security of the said last mentioned land by mortgaging or charging the same or any part thereof in such manner and form and with such powers and provisions as the said Trustees should think fit and proper. And that the said Trustees might if in their discretion it should be deemed expedient and by and with the consent of the Diocesan Synod first had and obtained dispose of either by way or absolute sale or in exchange for other hereditaments conveniently situated all or any parts of the said land. And it is thereby declared that the Trustees for the time being of the presents now being recited should stand possessed of the moneys to arise from or to be produced by any such sale mortgage or charge or other hereditaments to be so received in exchange as aforesaid (after payment thereof respectively of the costs and expenses or other liabilities attending such sale mortgage charge or exchange or otherwise incidental to the trusteeship) upon such and the same trusts as are thereinbefore declared. And whereas the Rectory of the Ecclesiastical Parish of Wallerawang is erected on the said land And whereas by Crown Grant dated the twenty-fifth day of February in the year one thousand eight hundred and ninety-two and Registered Volume 1049 Folio 44 all that piece of land situated in the Ecclesiastical Parish of Wallerawang and Government Parish of Lidsdale County of Cook and fronting the Sydney-Wallerawang Road containing three roods seven perches and being portion two hundred and forty six of the said Parish of Lidsdale was granted unto the Church of England Property Trust Diocese of Sydney its successors and assigns for ever. And whereas on the said lastly mentioned

Wallerawang Land Sale.

piece of land are erected premises that were formerly used as the residence of a lay reader. And whereas by Crown Grant dated the eleventh day of August in the year one thousand eight hundred and seventy-four and Registered Volume 376 Folio 115 All that piece of land in the said Ecclesiastical Parish and Government Parish and County fronting the said road and adjoining the said last mentioned land and containing one acre and being portion two hundred and thirty six of the said Parish of Lidsdale was granted unto Edwin Barton, Walter Faux MacKenzie and William Sorrell as 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 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 for ever upon trust for the erection of a Church of the United Church of England and Ireland as by law established 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 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." And whereas by Crown Grant dated the eleventh day of August in the year one thousand eight hundred and seventy-four and Registered Volume 376 Folio 114. All that piece of land situated in the said Ecclesiastical Parish Government Parish and County fronting the said road and adjoining the said last mentioned land and containing two roods and being portion two hundred and thirty-five of the said Parish of Lidsdale was granted unto the said Edwin Barton, Walter Faux MacKenzie, and William Sorrell, as Trus-

Wallerawang Land Sale

tees under and by virtue of an Act of the Governor and Legislative Council of New South Wales made and passed in the eight year of the reign of His 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 for ever upon trust for the appropriation thereof as a site of a Dwelling-House garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland in New South Wales erected near Wallerawang 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 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." And whereas a Church of the United Church of England and Ireland known as the Church of St. John at Wallerawang has been erected upon another site in the said Parish and the said Rectory is situated at an inconvenient and a too great distance from the said Church And whereas the said residence for a lay reader has for years been unused and is not required for that or any other Church purpose and the said Portions two hundred and forty-six, two hundred and thirty-five and two hundred and thirty-six are not required in connection with the work of the Church. And whereas a suitable site can be obtained near the present Church at Wallerawang for the erection of a Rectory thereon and there is at present an urgent need of a Church at Portland in the said Ecclesiastical Parish of Wallerawang and a suitable site can be obtained for that purpose And whereas by reason of the above mentioned circum-

Wallerawang Land Sale.

stances having occurred since the creation of the above recited trusts and the acquisition of the said lands it has become inexpedient to carry out or observe the particular purpose or purposes for which the said lands were respectively acquired or to which such of the said lands are by the said Trusts respectively devoted and it is expedient that the said lands should be sold and the proceeds thereof applied in manner hereinafter provided The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland (now known as and designated the Church of England) within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said recited trusts and the acquisition of the said lands it has become inexpedient to carry out or observe the particular purpose or purposes for which the said lands were respectively acquired or to which such of the said lands are by the said Trusts respectively devoted.

2. The said lands comprised in the said Certificate of Title Registered Volume 956 Folio 213 A. and in the said three several Crown Grants Registered respectively as Volume 1049 Folio 44 and Volume 376 Folio 115 and Volume 376 Folio 114 shall be sold by public auction or by private contract at one time or at different times in one lot or in several lots and for such price or prices and upon such terms and conditions as the Archbishop of Sydney and the Rector and a majority of the Church wardens for the time being of the said Church of St. John at Wallerawang may deem expedient freed from

Wallerawang Land Sale.

the trusts and purposes to which they are now respectively devoted as aforesaid.

3. The proceeds arising from the said sale or sales shall be applied (after payment thereof of the expenses of and incidental to this Ordinance and the said sale and the transfer of the said lands in pursuance thereof) in or towards the payment of the purchase money (if any) for land at Wallerawang aforesaid to be approved of by the said Archbishop and the said Rector and a majority of the said Churchwardens of the said Church as the site for a Rectory and for land at Portland aforesaid to be approved of by the said Archbishop and the said Rector as the site for a Church and School (such lands to be vested in the "Church of England Property Trust Diocese of Sydney") and in and towards the payment of all legal and other expenses connected with the purchase and acquisition of the said lands and the residue of the said proceeds shall be applied in or towards the erection on the said site to be acquired at Wallerawang aforesaid of a Rectory approved of by the said Archbishop and the said Rector and a majority of the said Churchwardens and the erection on the said site to be acquired at Portland aforesaid of a Church to be approved of by the said Archbishop and the said Rector.

4. Any part of the said proceeds not immediately required to be applied as aforesaid may be invested by the Corporate body of Trustees appointed for the Diocese of Sydney under the Church of England Trust Property Incorporation Act of 1881 (who are hereby appointed to receive the said proceeds from the purchaser or purchasers) at interest with any Joint Stock Company carrying on the business of bankers in Sydney and the interest arising from such moneys shall be dealt with and applied in the manner hereinbefore prescribed with regard to the said proceeds.

5. This Ordinance shall be styled and cited as "The Wallerawang Land Sale Ordinance of 1902."