
Wollongong Land Sale.

311905

AN ORDINANCE to authorise the sale of certain lands situate in the Parish of Wollongong County of Camden and State of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 25 August, 1905.)

WHEREAS by Indenture bearing date the tenth day of May one thousand eight hundred and thirty-seven and registered in the office of the Registrar General of New South Wales Number 556 Book N certain land containing two roods situate at Wollongong in the Parish of Wollongong County of Camden and State of New South Wales being allotment three of section two of Charles Throsby Smith's subdivision of two hundred acres having a frontage to the Southern side of Market Street of one hundred and thirty-two feet and an even depth of one hundred and sixty-five feet was assured unto the Right Reverend William Grant Broughton his heirs and assigns to and for the use and behoof of the said William Grant Broughton his heirs and assigns for ever. And whereas by Memorandum endorsed on the hereinbefore recited Indenture under the hand of the said William Grant Broughton bearing date the tenth day of May one thousand eight hundred and thirty-seven and registered in the Office aforesaid Number 608 Book 97 the said William Grant Broughton acknowledged that the said land was purchased with the amount of subscription received from the Society for the Propagation of the Gospel in Foreign Parts and was held by him in trust for the erection of a School House in which children were to be taught according to the principles of the United Church of England and Ireland as it was then by law established. And whereas by Indenture bearing date the tenth day of January one thousand eight hun-

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dred and forty-seven and registered in the Office aforesaid Number 548 Book 390 certain land containing one rood seventeen perches situate at Wollongong aforesaid being part of allotments eleven and twelve of section five of the said subdivision having a frontage of one hundred and twenty feet to the Eastern side of Corrimal Street and an even depth of one hundred and thirty feet was assured unto and to the use of the Lord Bishop of Australia and his Successors for ever upon trust and for the erection maintenance and repair of a Church and for the provision out of the revenues belonging to or arising from the use of the said Church in such manner as should be lawfully appointed of all things necessary for the celebration of Divine Worship therein according to the rites forms ceremonies and customs of the established Church of England. And whereas subsequently to the respective dates of the hereinbefore recited Indentures a Church known as the Church of St. Michael was erected on the land described in the Indenture hereinbefore recited of the tenth day of January one thousand eight hundred and forty-seven and a School House and Dwelling were erected on the said land described in the hereinbefore recited Indenture of the tenth day of May one thousand eight hundred and thirty-seven And whereas certain other land at Wollongong aforesaid containing two acres or thereabouts hereinafter referred to as the present Church site more suitable for a Church site has since the erection of the said Church been acquired and is now vested in the Church of England Property Trust Diocese of Sydney upon trust for the erection thereon of a Church of the United Church of England and Ireland and the old Church has been pulled down and the material thereof has been used in the erection of a new Church on portion of the present Church site and a Rectory has also been erected on portion of the pre-

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sent Church site. And whereas the said land described in the said Indenture of the tenth day of January one thousand eight hundred and forty-seven has for nearly fifty years been vacant and during that period such income as it has produced has been more than absorbed in paying taxes and other outgoings. And whereas the School House and Dwelling on the said land described in the said Indenture of the tenth day of May one thousand eight hundred and thirty-seven were erected over fifty years ago and the same are now much decayed and produce only a small revenue and need the immediate expenditure of a considerable sum to renovate them and the said School House is inconveniently situated with respect to the present Church site which is more centrally situated and it is a more suitable site for a School House than the present site. And whereas there is ample space for the erection of a School House on portion of the present Church site. And whereas the said lands described in the said respective indentures of the tenth day of May one thousand eight hundred and thirty-seven and tenth day of January one thousand eight hundred and forty-seven are not required for the respective purposes for which they were acquired or to which they are devoted by the said respective trusts created in respect thereof. And whereas by reason of the above mentioned circumstances which have occurred since the acquisition of the said lands described in the said respective Indentures of the tenth day of May one thousand eight hundred and thirty-seven and the tenth day of January one thousand eight hundred and forty-seven upon the said respective trusts it has become inexpedient to carry out or observe the particular purpose or purposes for which the said lands were respectively acquired as aforesaid or to which the said lands are by the said trusts respectively devoted and

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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 power in that behalf conferred upon it by the Constitutions for the management and good government of 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 or by any other Act enabling it in that behalf ordains declares directs and rules as follows:—

1 By reason of circumstances which have occurred since the acquisition of the said lands described in the said respective indentures of the tenth day of May one thousand eight hundred and thirty-seven and the tenth day of January one thousand eight hundred and forty-seven and the creation of the said respective trusts thereof 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 the said lands are by the said trusts respectively devoted.

2. The said lands described in the said recited Indentures of the tenth day of May one thousand eight hundred and thirty-seven and the tenth day of January one thousand eight hundred and forty-seven may be sold by or with the sanction of the Bishop of Sydney for the time being or his Commissary duly appointed under his Episcopal Seal 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 Bishop of Sydney and the Rector and a majority of the Churchwardens for the time being of the said Church of St. Michael may deem expedient freed from the trusts and purposes to which they are now respectively devoted as aforesaid.

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3. The proceeds arising from the sale or sales of the said lands shall be paid to the Church of England Property Trust Diocese of Sydney and shall be applied (after payment thereof of the expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said lands in pursuance thereof) in or towards the erection of a new School House of Brick or Stone according to a plan to be approved of by the said Bishop and the said Rector and a majority of the said Churchwardens on portion of the present Church site and the residue of the said proceeds (if any) shall be applied in payment of the debt if any on the new School House or in adding to or repairing or improving the same in such manner as shall be approved of by the said Bishop and the said Rector and a majority of the said Churchwardens.

4. Any part of the said proceeds not immediately required to be applied as aforesaid may be invested by the said Corporate Trustees appointed for the Diocese of Sydney under the "Church of England Trust Property Incorporation Act of 1881" at interest with any Joint Stock Company carrying on the business of bankers in Sydney and the interest arising from such proceeds shall be dealt with and applied in the manner herein before prescribed with regard to the said proceeds.

5. This Ordinance shall be styled and cited as "The St. Michael's Wollongong Land Sale Ordinance of 1905."
