

No. 6, 1946.

AN ORDINANCE to vest in the Church of England Property Trust Diocese of Sydney certain parcels of land at Dapto and Albion Park and to authorise the sale of portion thereof and to provide for the application of the proceeds thereof and to provide for the settling of the claim for the compensation moneys payable in respect of the resumption of portion of the said lands and to authorise the execution of the release in respect thereof and to provide for the application of the said moneys.

WHEREAS by Indenture of Conveyance bearing date the twenty-fourth day of February one thousand eight hundred and fifty-three Registered Number 518 Book 26 the lands at Dapto therein described were conveyed to William West Simpson Robert Martin Cole William Sheaffe and Alick Osborne upon trust for the erection and making thereon of a minister's dwelling house garden and appurtenances and that the same should be used as a place of residence and glebe for the clergyman of the Parish of Dapto pursuant to the Acts of the Governor and Council of the Colony of New South Wales therein referred to and under and subject to the enactments and regulations thereof.

AND WHEREAS the present trustees of the said lands described in the said Conveyance Registered Number 518 Book 26 are registered in the Register of Trustees kept by the Registrar of the Diocese of Sydney pursuant to the provisions of Clause 9 of the Sydney Church Ordinance 1912 are Evan Robert Evans, John Lindsay Robert James Marshall (all of whom are now deceased) and George Lindsay of Dapto farmer who is the sole surviving trustee.

AND WHEREAS by grant by purchase bearing date the twenty second day of September one thousand eight hundred and forty six enrolled in the Registrar General's Office Sydney in the Register of Land Purchases Number 16 Page 19 the lands at Dapto therein described were granted unto William Grant Broughton D.D. Bishop of Australia the Reverend Matthew Devenish Meares, William Sheaffe, James Shoobert, Richard John Hopkins, Robert Martin Cole and Robert Lloyd Davies as trustees of the Episcopalian School at Dapto their heirs and assigns for ever.

AND WHEREAS the present trustees of the said lands described in the said Crown Grant Registered Number 16 Page 19 as registered in the said Register are Evan Robert Evans, Benjamin Prior, William Harris, John Lindsay, Robert James Marshall (all of whom are now deceased) the Archbishop of Sydney and the said George Lindsay who are the sole surviving trustees.

AND WHEREAS by virtue of Certificate of Title dated the Twenty-third day of April one thousand eight hundred and seventy eight Registered Volume 339 Folio 112 the lands at Dapto therein described were vested in the Bishop of Sydney.

AND WHEREAS by Declaration of Trust under the Corporate Seal of the Bishop of Sydney bearing date the seventeenth day of April one thousand eight hundred and eighty eight Alfred Bishop of Sydney, declared that he held the said lands comprised in the said Certificate of Title Registered Volume 339 Folio 112 upon trust as a site for a church in connection with the church then known and designated as the Church of England under and subject to the provisions of the Act of the Governor and Legislative Council of New South Wales 8 William IV No. 5 or should the said Act be repealed under and subject to the provisions of any Ordinance made and passed by the Synod of the Diocese of Sydney for the regulation and management of churches within the said Diocese.

AND WHEREAS by Indenture of Conveyance bearing date the twenty fourth day of August one thousand eight hundred and seventy four Registered Number 738 Book 145 the lands at Albion Park therein described were conveyed to Edward Henry Weston, William Fryer, Edward Prior, Lionel Hurry and Evan Robert Evans upon trust to permit or suffer a church or building to be erected thereon to be set apart for the celebration of Divine Worship according to the usages of the Church of England and to be subject to the regulations contained in the Schedule B to the said Indenture annexed.

AND WHEREAS the present Trustees of the said lands described in the said Conveyance Registered Number 738 Book 145 as registered in the said Register are Edward Henry Weston, Henry Fryer, James Walker, Lionel Hurry, and Evan Robert Evans all of whom are now deceased.

AND WHEREAS the said four parcels of land are Church Trust Property and held for the use and on behalf of the Church of England in the Parish of Dapto with Albion Park.

AND WHEREAS it is expedient to vest the said four parcels of land in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees").

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said land described in the said Conveyance Registered Number 518 Book 26 it has become expedient to sell the lands described in the Schedule hereunder (which form part of the lands described in the said Conveyance Registered Number 518 Book 26) and to apply part of the proceeds in or towards the repairing and painting of the Rectory which is erected on other portion of the said lands described in the said Conveyance Registered Number 518 Book 26 and the fences surrounding the same and in manner hereinafter appearing.

AND WHEREAS by notification of Resumption of Land under the Public Works Act 1912 dated the fifth day of June one thousand nine hundred and forty five and published in the New South Wales Government Gazette No. 63 of twenty second day of June one thousand nine hundred and forty five the lands therein described containing an area of two acres three roods twenty four perches (which form part of the lands described in the said Conveyance Registered Number 518 Book 26) were resumed for the purposes of a Public School at Dapto.

AND WHEREAS it is expedient to direct that the Corporate Trustees shall be authorised to receive the compensation moneys payable in respect of the said resumption and to give an effectual receipt and discharge thereof and execute any necessary release in respect thereof required by the Resuming Authority and to apply the said Compensation moneys in manner hereinafter appearing.

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 circumstances subsequent to the creation of the trusts of the said land described in the said Conveyance Registered Number 518 Book 26, the said Crown Grant Registered Number 16 Page 19, the said Certificate of Title Registered Volume 339 Folio 112 and the said Conveyance Registered Number 738 Book 145 it is expedient to vest the same in the Corporate Trustees.

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*Dapto with Albion Park Vesting and Sale Ordinance of 1946.*

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2. The Synod hereby consents to the said lands described in the said Conveyance Registered Number 518 Book 26, the said Crown Grant Registered Number 16 Page 19, the said Certificate of Title Registered Volume 339 Folio 112 and the said Conveyance Registered Number 738 Book 145 being vested and the same are hereby vested in the Corporate Trustees.

3. By reason of circumstances subsequent to the creation of the trusts of the said lands described in the Schedule hereunder (which form part of the lands described in the said Conveyance Registered Number 518 Book 26) it is expedient to sell the same.

4. The Corporate Trustees are hereby empowered to sell the said land described in the Schedule hereto or any portion or portions thereof at any time hereafter and from time to time by public auction or private contract either in one lot or several lots at such price or prices and upon such terms and conditions as the Corporate Trustees may deem expedient.

5. The proceeds of any such sale or sales shall stand charged with the payment of all outgoing properly chargeable against the said land described in the Schedule hereunder and all costs charges or expenses of and incidental to this Ordinance and the said sale or sales and subject thereto shall be applied by the Corporate Trustees firstly as to the sum of £100 thereof to pay the same to the Rector and Churchwardens for the time being of the Parish of Dapto with Albion Park to be applied by them in or towards the repairing and painting of the Rectory which is erected on other portion of the lands described in the said Conveyance Registered Number 518 Book 26 and the fences surrounding the same and secondly any balance in the hands of the Corporate Trustees shall be invested on behalf of the Parish of Dapto with Albion Park in accordance with the provisions of the Investment of Church Trust Property Ordinance of 1944 and the capital of such moneys shall from time to time be paid by the Corporate Trustees to the Rector and Churchwardens of the Parish of Dapto with Albion Park (whose receipt shall be a sufficient discharge therefor) to be applied for or towards the purchase of land or the erection of buildings in the said Parish or for such other purposes in connection with the said Parish normally requiring the expenditure of capital moneys as shall be requested by the Rector and Churchwardens and approved by the Standing Committee and in the meantime the income arising from the investment of the said moneys shall be paid to the said Rector and Churchwardens for the time being of the said Parish

(whose receipt shall be a sufficient discharge therefor) to be used by them for such general purposes in connection with the said Parish as the said Rector and Churchwardens may from time to time determine.

6. The Synod hereby directs that the Corporate Trustees be authorised to receive from the Resuming Authority the Compensation moneys payable in respect of the resumption of the said area of 2 acres 3 roods 24 perches which were resumed by the said Notification of Resumption dated the fifth day of June one thousand nine hundred and forty five. And that the receipt of the Corporate Trustees shall be a sufficient discharge to the Resuming Authority therefor. And that the Corporate Trustees shall execute any necessary release that may be required by the Resuming Authority in connection with the settlement of the claim for Compensation in respect of the said resumption.

7. The proceeds of the claim for compensation in respect of the said resumption shall stand charged with the payment of all outgoing properly chargeable against the said resumed lands and all costs charges valuations fees and other expenses incidental to the said resumption and the claim for compensation in respect thereof and subject thereto any balance in the hands of the Corporate Trustees shall be invested on behalf of the Parish of Dapto with Albion Park in accordance with the provisions of the investment of Church Trust Property Ordinance of 1944 and the capital of such moneys shall from time to time be paid by the Corporate Trustees to the Rector and Churchwardens of the Parish of Dapto with Albion Park (whose receipt shall be a sufficient discharge therefor) to be applied for or towards the purchase of land or the erection of buildings in the said Parish or for such other purposes in connection with the said Parish normally requiring the expenditure of capital moneys as shall be requested by the said Rector and Churchwardens and approved by the Standing Committee and in the meantime the income arising from the investment of the said moneys shall be paid to the said Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) to be used by them for such general purposes in connection with the said Parish as the said Rector and Churchwardens may from time to time determine.

8. This Ordinance shall be called the "Dapto with Albion Park Vesting and Sale Ordinance of 1946."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situated at Dapto in the Shire of Central Illawarra, Parish of Calderwood, County of Camden and State of New South Wales being Lot B of a subdivision of part of the land comprised in Conveyance registered Number 518 Book 26 commencing at the south-west corner of the land resumed for addition to Public School lands by Gazette Notice No. 63 of twenty second day of June 1945 and bounded thence on part of the north-east by the south-west boundary of the land resumed by Gazette Notice Number 63 abovementioned being a line bearing 115 degrees 14 minutes 30 seconds for a distance of 406 feet 8½ inches thence on part of the north-west by the south-east boundary of the land resumed by Gazette Notice No. 63 being a line bearing 24 degrees 24 minutes for a distance of 311 feet 3½ inches to a fenced line, thence on the remainder of the north-east by that fenced line as follows bearing 115 degrees 4 minutes for a distance of 180 feet bearing 114 degrees 10 minutes 40 seconds for a distance of 683 feet 9½ inches bearing 114 degrees 19 minutes 40 seconds for a distance of 662 feet 2¾ inches to a fenced line thence on the south-east by that fenced line and its prolongation bearing 200 degrees 33 minutes 10 seconds for a distance of 778 feet 7 inches to a fenced line, thence on part of the south-west by fenced lines as follows bearing 293 degrees 55 minutes 50 seconds for a distance of 554 feet 11 inches bearing 294 degrees 9 minutes 50 seconds for a distance of 909 feet 6 inches bearing 294 degrees 33 minutes 40 seconds for a distance of 213 feet 9¼ inches to a fenced line thence again on part of the north-west by that fenced line bearing 12 degrees 33 minutes 10 seconds for a distance of 423 feet 7¼ inches to a fenced line thence on the remainder of the south-west by that fenced line bearing 295 degrees 14 minutes 30 seconds for a distance of 219 feet 11¼ inches to the south-east corner of Lot A of the Subdivision of part of the land comprised in Conveyance Registered Number 518 Book 26 aforementioned thence on the remainder of the north-west by part of the south-east boundary of Lot A being a line bearing 24 degrees 24 minutes for a distance of 66 feet to the point of commencement be the said several dimensions all a little more or less containing an area of 30 acres 0 roods 18¼ perches or thereabouts.

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

W. G. HILLIARD, Bishop.

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 29th day of July, 1946.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

30th July, 1946.