
St. Luke's Liverpool Sale Ordinance 1930.

No. 9. 1930.

AN ORDINANCE to authorise the sale of certain land at Liverpool and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant dated the nineteenth day of September one thousand eight hundred and forty-five registered in the Register of Grants of the United Church of England and Ireland No. 78 page 19 the land described in the first second and third parts of the schedule hereto was granted to the Right Reverend William Grant Broughton Doctor of Divinity Bishop of Australia or the Bishop of Australia for the time being Thomas Valentine Blomfield Joshua John Moore and Richard Sadlier upon trust for the appropriation thereof as a glebe annexed to the Church of England and Ireland as by law established erected at Liverpool and known as St. Luke's.

AND WHEREAS the said land is Church trust property vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Trustee) upon the aforesaid trusts.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts to which the said land is subject it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied and it is expedient to vary such trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained.

Now therefore 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 the Land Ordinance Procedure and Delegation of Powers Ordinance 1923 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 directs declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the said land is subject it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

2. The Trustee is hereby authorised to sell the whole of the land described in the first second and fourth parts of the schedule hereto.

3. Such sale or sales may be made of the whole or any part or parts of the land so authorised to be sold as aforesaid by public auction or private contract together or in lots for cash or on credit at such price or prices and upon such terms and conditions as the Trustee may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

4. The Trustee shall have full power to dedicate lay out make through or over the said land such roads streets ways and other works as to the Trustee may seem necessary or proper.

5. The proceeds arising from such sale or sales shall be applied:—

- (a) In payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the vendor's costs of the conveyance of the land in pursuance thereof including the cost of such roads and other works as aforesaid, and in payment of 2½% of the remainder to the Treasurer for the time being of the Church Buildings Loan Fund.
- (b) The balance thereof shall be invested in any of the investments hereinafter authorised.
- (c) The net income arising from such investments as aforesaid shall be paid to the Churchwardens for the time being of the Church of St. Luke Liverpool and be applied by them for the use of the parish of St. Luke Liverpool and as parochial Church funds not excluded from their charge or administration.

6. Any moneys receivable under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the

possession of the Trustee and not immediately required to be applied as aforesaid may until such application be invested by the Trustee in any one or more of the following investments, that is to say:—

- (i.) Investments for the time being allowed by law for the investment of trust funds;
- (ii.) Mortgage of land situated within the Commonwealth;
- (iii.) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (iv.) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth;
- (v.) Deposit in any Government Savings Bank within the Commonwealth;
- (vi.) Fixed Deposit in any Bank carrying on business in the State of New South Wales

and the Trustee may from time to time vary release or raise money on the security of such investments.

7. This Ordinance may be cited as "St. Luke's Liverpool Sale Ordinance 1930."

THE SCHEDULE HEREINBEFORE REFERRED TO.

FIRST PART.

All that piece or parcel of land containing by admeasurement twenty acres be the same more or less situated in the County of Cumberland and Parish of Saint Luke commencing at the north-west corner of Eber Bunker's five hundred acres Grant and bounded on the north by a line bearing west twenty-five chains on the west by a line bearing south six chains on the south by a line bearing east twenty-three chains to Bunker's west boundary and on the east by part of the said west boundary being a line bearing south ten degrees west to the north-west corner of Bunker's land as aforesaid reserving an occupation road of a chain wide on the east side.

SECOND PART.

All that piece or parcel of land containing by admeasurement fourteen acres two roods and thirty-five perches be the same more or less situated in the County and Parish aforesaid commencing at the south-east corner of R. Cartwright's Grant of one hundred and sixteen acres bounded on the south-west by a line bearing north sixty degrees west three chains fifty links on the north-west by a line north twenty-six degrees east sixteen chains fifty links on the north-east by a line south sixty-three degrees east fifteen chains to the New Bridge and on the south and south-east by Cabramatta Creek.

THIRD PART.

All that piece or parcel of land containing by admeasurement five acres one rood and five perches be the same more or less situated in the County and Parish aforesaid and Town of Liverpool commencing at the south-east corner of the allotment formerly the market place in the Town of Liverpool bounded on the south by a line bearing west four chains forty-nine links on the west by a line north twelve chains on the north by a line east four chains thirty-two links and on the east by a line south twelve chains and advertised as No. 36 in the Government Notice dated 28th June 1842.

FOURTH PART.

All that piece or parcel of land commencing at a point on the Eastern alignment of Northumberland Street distant Northerly 204 feet 4 inches from its intersection with the Northern alignment of Elizabeth Street and bounded thence on the West by the first-mentioned alignment bearing 359 degrees 19 minutes 497 feet 3 inches thence on the North by the Southern alignment of Campbell Street bearing 89 degrees 30 minutes 204 feet 5 inches thence on the East by the Western alignment of Macquarie Street bearing 179 degrees 10 minutes 49 seconds 497 feet 7 inches to a point 204 feet 4 inches Northerly from the Northern alignment of Elizabeth Street aforesaid and thence on the South by a line bearing 269 degrees 33 minutes 205 feet 7 1/2 inches to the point of commencement.

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

W. J. G. MANN,
Acting Chairman of Committees

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of August, 1930.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,
Bishop Coadjutor, Commissary.

16th September, 1930.