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*The St. Mark's Glebe Sale Ordinance 1936.*

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No. 7, 1936.

AN ORDINANCE to authorise the sale of Lots 29 30 and 31 of Section 3 of St. Mark's Glebe Estate situated at Glebe Street Randwick in the County of Cumberland and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS by Crown Grant bearing date the third day of June One thousand eight hundred and fifty-seven recorded and enrolled in the General Registry Office at Sydney in the Register of Grants of the United Church of England and Ireland No. IV. page 57/1 the land therein mentioned was granted unto Thomas Whistler Smith Thomas Sutcliffe Mort John Croft Robert Tooth and James Norton Junior being respectively 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 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 to their heirs and assigns subject to the trusts conditions reservations and provisos thereafter contained to hold unto the said Thomas Whistler Smith Thomas Sutcliffe Mort John Croft Robert Tooth and James Norton Junior their heirs and assigns for ever yielding and paying therefor yearly the quit rent or sum of one farthing for ever if demanded upon trust for the appropriation thereof as the Glebe annexed to the Church of the United Church of England and Ireland as by Law established erected at Greenoakes Darling Point and known as St. Mark's 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 said late 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" so far as the same might apply to the Trusts of the Grant and for no other purpose whatsoever and subject to the further conditions therein mentioned AND WHEREAS by "The St. Mark's Glebe Trustees Acceptance Ordinance 1910" the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) were thereby requested to accept the office of Trustees of the Glebe known as Saint Mark's Glebe Sydney and in the event of their so accepting they were

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thereby relieved from the obligations if any of enquiring into or taking any action in respect of the past administration of the trusts relating thereto AND WHEREAS the land described in the Schedule hereto forms portion of the said Glebe AND WHEREAS by Deed of Consent bearing date the third day of May One thousand nine hundred and eleven Registered No. 737 Book 933 John Charles Archbishop of Sydney did thereby as the Bishop of the Diocese of Sydney consent that the property mentioned in the Schedule thereto being the whole of the land comprised in the hereinbefore recited Grant and being the Glebe referred to in the hereinbefore mentioned Ordinance should henceforth become and be vested in the said Trust their successors and assigns subject nevertheless to such encumbrances liens and interests (if any) and also subject to the trusts in the said Crown Grant expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS it is expedient that the land described in the Schedule hereto should be sold and the proceeds of such sale applied in manner hereinafter appearing 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 by the Land Ordinance Procedure and Delegation of Powers Ordinances 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 declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the Trusts of the land described in the Schedule hereto it is expedient to sell the same.

2. The said Trust is hereby authorised to sell the lands comprised in the schedule hereto (hereinafter designated the said land) or such parts thereof as it may deem expedient and such sale or sales may be 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 in all respects as the said Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the said Trust is hereby authorised to execute make and do all such transfers assurances receipts and things as it shall deem proper.

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3. The purchase money arising from such sale or sales shall be paid to the said Trust and shall be applied by the said Trust in payment of all costs charges and expenses of and incidental to this Ordinance and the necessary sales and the transfer or Conveyance of the said land in pursuance thereof and the balance applied as follows:—

- (a) To pay the rates taxes and other charges in respect of the said land.
- (b) To pay out of the income arising from the investment of the moneys herein mentioned such sum or sums as the said Trust may deem expedient at its discretion for the purposes of the Glebe known as St. Mark's Glebe Sydney.

4. The said moneys held upon such trust may be invested in any one or more of the investments following that is to say:—

- (a) The purchase of real estate.
- (b) Any public funds or Government stock or Government security bonds debentures inscribed stock or treasury bills of or guaranteed by the Federal Government.
- (c) First mortgage on real property situated within the said Commonwealth.
- (d) Stocks funds or securities in or upon which by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested.
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (f) Municipal Debentures of any State Capital.
- (g) Mortgage bonds under any of the Savings Bank Acts of the Federal Government.
- (h) Deposits in any Government Savings Bank within the Commonwealth.
- (i) On fixed deposit in any Bank carrying on business in the State of New South Wales.

And the said Trust may from time to time vary or release or raise money on the security of such investments or the said moneys may be invested in such other manner or applied for such purposes as the Synod may by Ordinance direct.

5. This Ordinance shall be styled and cited as "The St. Mark's Glebe Sale Ordinance 1936."

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SCHEDULE.

ALL THAT piece or parcel of land being Lots 29 30 and 31 of Section 3 of a subdivision of St. Mark's Glebe in the Municipality of Randwick Parish of Alexandria County of Cumberland commencing at the north-east corner of Lot 28 and bounded on the north-east by the south-west boundary of Glebe Street north-west for a distance of 291 feet 1 inch to the south-east corner of Lot 32 thence on the north by the south boundary of Lot 32 west 231 feet to a reserve thence on the west by the east boundary of that reserve southerly to the north-west corner of Lot 28 aforesaid thence on the south by the north boundary of Lot 28 east 316 feet to the point of commencement containing an area of 1 acre 3 roods 2 perches more or less as shown on plan of St. Mark's Glebe lodged in the office of the Diocesan Registry Sydney.

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 Thirtieth day of April, 1936.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

30th April, 1936.