

GRAFTON DIOCESAN AND GRAFTON GLEBE LANDS POOLING AND LEASING  
ORDINANCE 1939

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AN ORDINANCE.

To authorise the pooling and leasing and surrender of leasing of certain Church Trust property at Grafton in the State of New South Wales; to provide for the application of the proceeds thereof and for purposes incidental thereto.

Whereas by the Grafton Lands Ordinance 1917 No.2 the land more particularly described in the Schedule hereto and hereinafter designated the said land is declared to have been by certain mesne acts and assurances vested in the Corporate Trustees of the Diocese of Grafton (hereinafter designated the said Trustees) And whereas by reason of circumstances subsequent to the trusts upon which the land is held it has become expedient to lease the said land. And Whereas application has been made for a lease of the said land in conjunction with a lease of the land next adjoining known as the Grafton Glebe and more particularly described in the Schedule to the Corporate Trustees Grafton Glebe Leasing Ordinance 1931 (amended 1935) And Whereas it is expedient and desirable to give effect to the application and for that purpose to pool the two several properties. And Whereas by an Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth intituled "Church of England Trust Property Act 1917" it was enacted that during the recess of the Synod a committee Council or other body of persons appointed for that purpose by Ordinance might in the place of such Synod of the Diocese exercise such of the powers and functions and do and make such of the things referred to in the said act as should be determined by Ordinance of the Synod of such Diocese And Whereas by an Ordinance of the Synod of the Diocese of Grafton passed in the year 1934 the Bishop-in-Council was appointed for the purpose of exercising and might accordingly during the recess of such Synod of the said Diocese exercise in the place of such Synod any or all of the powers and functions and do and make any or all of the things referred to in such Act Section 26 thereof as may be done by the Synod NOW the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance 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 and by the "Church of England Trust Property Act 1917" or otherwise in the name and in place of such Synod ordains directs and rules as follows :-

1. By reason of circumstances subsequent to the creation of the said recited trusts it has become expedient that the land described in the Schedule hereto be let on lease and the income derived therefrom applied as hereinafter provided.
2. The said land may be demised freed from the trusts aforesaid from time to time and pooled in and with the land known as the Grafton Glebe and more particularly described in the Schedule to the Corporate Trustees Grafton Glebe Leasing Ordinance 1931 as amended 1935 let on lease for terms not exceeding ninety nine years at any one time upon such terms covenants conditions and agreements as the said Trustees shall in their absolute discretion think fit. Provided that in any such pooling and leasing the term of any lease of the said land shall not extend beyond/expiry date of any lease of the beforementioned Grafton Glebe.
3. It shall be lawful for the Corporate Trustees to move or cause to be moved for the duration of any such lease the present existing fence between the lands so pooled. Provided always that the boundary line between the so pooled lands shall be maintained clear of any obstruction to the re-erection of the fence so moved and no building or foundation or any part of any building shall be so placed as to encroach upon the said boundary line or approach to within a distance of at least six inches from the said boundary line on either side thereof.

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DIOCESE OF GRAFTON.

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4. The rent profits and income payable in respect of any such lease shall be paid to the said Trustees and by them allotted to the properties, so pooled on an equitable basis and the amount so allotted on account of the land described in the Schedule hereto shall be paid into the Diocesan Property Fund or other fund established by Synod in lieu thereof.
5. This Ordinance may be cited as the Grafton Diocesan and Grafton Glebe Lands Pooling and Leasing Ordinance 1939.
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THE SCHEDULE

All that piece or parcel of land in the City of Grafton containing by admeasurement five and one seventh perches more or less being that part of allotment three of Section five adjoining the North Eastern Boundary of Allotment two of the same section commencing at the North Western corner of the said allotment two, thence North Westerly along Victoria Street for a distance of ten feet to a point on the North Eastern boundary of allotment three aforesaid, thence by a line South Westerly at right angles to Victoria Street to a point one hundred and forty feet distant from the North Eastern boundary of allotment three, thence by a line parallel to Victoria Street South Easterly ten feet to a point on the North Western boundary of allotment two aforesaid thence North Easterly by the North Western boundary of that allotment one hundred and forty feet to the point of commencement.

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

*H. C. Wans*  
.....  
Chairman of Committee

I certify that this Ordinance was passed this twenty eighth day of February, 1939.

*Will King*  
.....  
Secretary to the Council

I assent to this Ordinance

Date *March 2<sup>nd</sup> 1939*

*W. Grafton*  
.....  
Bishop of Grafton