

44

YAMBA LAND SALE ORDINANCE 1961

WHEREAS the lands described in the Schedule hereto (hereinafter called "the said lands") are vested in the Corporate Trustees of the Diocese of Grafton (hereinafter called "the Corporate Trustees") AND WHEREAS it is expedient that the said lands be sold AND WHEREAS by Section 40 of the Church of England Property Act 1917 it was enacted that during the recess of the Synod of a Diocese such committee council or other body of persons as should be constituted for the purpose by Ordinance of such Synod might exercise such of the powers and functions and do and make such of the things referred to in that Act as such Synod should from time to time by Ordinance direct AND WHEREAS by Section 42 of the Church Property Ordinance 1934 the Synod of the Diocese of Grafton appointed the Bishop-in-Council of the said Diocese to exercise within the said Diocese and during the recess of the said Synod certain powers given to the said Synod by the said Act including the powers conferred by Section 26 thereof AND WHEREAS the said Synod is now in recess NOW THEREFORE 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 of the powers vested in the said Synod by the Constitution 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 the place of such Synod ordains directs and rules:-

OPINION

1. It has become and is inexpedient to carry out or observe the particular trust or trusts upon which the said lands comprised in the Schedule hereto is or are held and it is expedient to sell the same.

POWER TO SELL

2. The Corporate Trustees in whom the said lands are vested are hereby empowered and directed to sell the same by public auction or private contract and for such sum or sums of money and upon such terms and conditions as may be determined by the Corporate Trustees and may accept a mortgage or mortgages to secure the payment of the whole or any part of the purchase money and may transfer or sub-mortgage such mortgage for the purpose of securing the repayment of any liability owing by the Corporate Trustees on the security of the said lands.

3. No purchaser of the said lands or any part or parts thereof under the powers hereby conferred shall be bound or concerned to inquire whether such power shall have been duly and properly exercised in accordance with the next preceding section of this Ordinance or be affected by any notice to the contrary.

4. The Corporate Trustees are hereby authorised to execute and do all necessary deeds conveyances transfers assurances and other instruments acts and things for giving full and complete effect to the provisions of this Ordinance according to its true intent and meaning and to convey transfer and assure the lands to any purchaser or purchasers of the same or to any sub-purchaser thereof by his or their direction.

5. The moneys arising from any sale shall be paid to the Corporate Trustees and after provision has been made for all costs charges and expenses relative thereto shall be held by the Corporate Trustees and by them applied to the purchase of land at Yamba and the erection of church buildings thereon or in such manner and towards such other purpose or purposes as the Bishop-in-Council shall direct.

SHORT TITLE

6. This Ordinance may be cited and known as the Yamba Land Sale Ordinance 1961.

SCHEDULE

ALL THAT piece or parcel of land being allotment 2 of section 2 and comprising 1 rood 13 perches more or less situated in the County of Clarence and the Parish of Yamba being the whole of the land comprised in Crown Grant dated 10th day of December 1884 Registered Volume 729 Folio 229 in the name of the Corporate Trustees of the Diocese of Grafton.

I certify that this Ordinance was passed by the Bishop-in-Council on the 14th day of September 1961.

A. C. Singleton
Registrar

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

I assent to this Ordinance: Robert Grafton Bishop
Chairman of Committees