

5 DEC 1946

FORT MACQUARIE GLEBE LEASE ORDINANCE. 1946.

WHEREAS the land (hereinafter called the "said lands") described in the Schedule hereto are vested in the Corporate Trustees of the Diocese of Grafton (hereinafter called the Trustees) AND WHEREAS by reason of circumstances subsequent to the creation of the Trusts under which the said land is held it has become inexpedient for the Trustees to carry out the said Trusts and it is expedient that the said land be subdivided and leased for long terms for building purposes AND WHEREAS by Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth entitled "Church of England Trust Property Act 1917 No 21", 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 place of the 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 Ordinance of the Synod of the Diocese of Grafton passed in the year one thousand nine hundred and thirty four 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 Section 26 of the said Act as may be done by the Synod 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 the said Ordinance and in pursuance 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 as follows :-

OPINION.

1. It has become and is inexpedient to carry put or observe the particular trust or trusts upon which the said lands is or are held and it is expedient to subdivide the same and lease subdivision allotments on long terms for building purposes .

POWERS TO LEASE.

2. The said land may be subdivided and the whole or any part or parts thereof or any subdivision allotment or allotments may be demised freed from the trusts aforesaid at any time and from time to time for terms not exceeding Ninety nine years at any one time. The lease or leases to contain covenants that the Lessee shall pay all rates and taxes municipal or statutory charges or impositions and also that there shall be a condition or re-entry by the said Trustees for non-payment of rent within a reasonable time to be therein specified or on the breach of non-performance or non-observance of any covenants therein contained and further such lease or leases shall be subject to such further covenants provisions conditions and agreements as the said Trustees deem proper.

3. The said Trustees are hereby authorised to accept the surrender of any such lease or leases from time to time.

4. No lessee of the said lands or any part or parts thereof under the powers hereby conferred shall be bound or concerned to enquire whether such power shall have been duly and properly exercised or be affected by any notice to the contrary.

5. The said Trustees are hereby authorised to execute and do all necessary deeds leases 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 lease and assure the said lands or any part or parts thereof to a lessee of the same or to any sub-lessee thereof by his direction.

6. The rents profits and income payable in respect of any such lease or leases shall be paid to the said Trustees and shall be applied by them in the first place in or towards the costs of and incidental to the obtaining of this Ordinance, subdivision of the said lands and the granting of the said leases and subject thereto shall be applied for such purpose or purposes as the Synod shall direct.

SHORT TITLE.

7. This Ordinance may be cited and known as the "Fort Macquarie Glebe Lease Ordinance 1946".

THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing Thirty nine acres two roods situated in the County and Parish of Macquarie at the junction of Koolumbung and Wrights Creeks COMMENCING at the junction of the said creeks and bounded on the North by Wrights Creek 18 chains on the East by a line bearing South 14 chains 80 links on the South by a line bearing West 27 chains to Koolumbung Creek and the West by that Creek to the junction of the said Creek known as the second portion of the Port Macquarie Glebe Land

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

[Signature]
Chairman of Committees.

I certify that this Ordinance was passed this fifth day of December, 1946.

[Signature]
Secretary to the Council.

I assent to this Ordinance.

[Signature]
Bishop-in-Council