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**CORPORATE TRUSTEES GRAFTON GLEBE LEASING  
ORDINANCE 1931**

AN ORDINANCE to authorise the leasing and surrender of leasing of certain land situated at Grafton in the State of New South Wales and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant bearing date the first day of November One thousand eight hundred and fifty-one the land described in the Schedule hereto and hereinafter designated the said land was granted unto John Gibson his heirs and assigns to hold unto the said John Gibson his heirs and assigns forever subject to the payment of a quit rent of one pepper corn if demanded AND WHEREAS by Indenture of Conveyance bearing date the twenty-second day of April One thousand eight hundred and fifty-three Registered No. 252 Book 26 made between the said John Gibson of the one part and Henry Villiers Lanson of the other part for the consideration therein mentioned the said John Gibson did grant bargain sell alien release and confirm unto the said Henry Villiers Lanson and his heirs inter alia the said Land TO HAVE AND TO HOLD the same unto the said Henry Villiers Lanson and his heirs to the use of the said Henry Villiers Lanson his heirs and assigns forever AND WHEREAS by Indenture of Conveyance bearing date the first

day of June One thousand eight hundred and fifty-four Registered No. 873 Book 32 made between the said Henry Villiers Lanson of the one part and John Christian Miller of the other part for the consideration therein mentioned the said Henry Villiers Lanson did inter-alia grant bargain alien release and confirm unto the said John Christian Miller and his heirs the said land TO HAVE AND TO HOLD the same unto the said John Christian Miller and his heirs to such uses intents and purposes as he the said John Christian Miller should by any Deed or deeds or by his Last Will and Testament direct or appoint and in default of or until such appointment or so far as the same if incomplete should not extend to the use of the said John Christian Miller his heirs and assigns forever AND WHEREAS by Indenture of Conveyance bearing date the Thirtieth day of May One thousand eight hundred and fifty-seven Registered No. 80 Book 54 made between John Morris Official and Sole Assignee of the insolvent Estate and effects of the said John Christian Miller of the first part the Reverend Arthur Edward Selwyn of the second part and the Right Reverend William Tyrell Doctor of Divinity Bishop of Newcastle of the third part for the considerations therein mentioned the said John Morris as such assignee as aforesaid at the request and by the direction of the said Arthur Edward Selwyn testified by his being a party to and sealing and delivering those present DID in execution of the therein recited power so far as he could or might lawfully exercise the same and of all other powers (if any) enabling him in that behalf APPOINTED AND ALSO by way of further assurance bargained sold enfeoffed released and confirmed unto the said Bishop of Newcastle and his Successors ALL the Estate right title and interest of the said John Morris as such Official and Sole Assignee as aforesaid in and to inter-alia the said land TO HOLD the said land hereditaments and premises unto the said Bishop of Newcastle his successors and assigns in as full ample and beneficial a manner to all intents and purposes whatsoever as the said John Morris as such Assignee as aforesaid could or might lawfully convey the same 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 so erected or in the course of erection at Grafton aforesaid in conformity with the provisions of the two several acts of the Governor and the Legislative Council of the Territory of New South Wales the one made and passed in the seventh year of the reign of his Late Majesty King William the fourth intituled "An Act to promote the Buildings of Churches and chapels and to provide for the maintenance of Ministers of Religion in New South Wales and the other made and passed in the eighth year of the same Reign intituled "An Act to regulate the Temporal affairs of Churches and chapels of the United Church of England and Ireland in New South Wales so far as the same might apply to the Trusts of this Indenture and for no other purpose whatsoever AND WHEREAS by Consent dated the seventeenth day of August One thousand nine hundred and twenty-eight the Right Reverend John William Ashton Bishop of Grafton as successor to the said Bishop of Newcastle did consent to the said land being vested in the Corporate Trustees of the Diocese of Grafton such consent being duly noted in the New South Wales Government Gazette of the Seventh day of

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December One thousand nine hundred and twenty-eight. AND WHEREAS the said consent through inadvertence was given to the Government Printer of New South Wales for publication in the New South Wales Government Gazette and in pursuance of the policy of the said Government Printer the same in common with other notices was in due course destroyed AND WHEREAS by further consent dated the twenty-sixth day of May One thousand nine hundred and thirty ARTHUR BROUGHTON TRESS Archdeacon of the Diocese of Grafton and the Commissary appointed by the said Bishop of Grafton Registered No. 329 Book 1602 the said Arthur Broughton Tress as such Archdeacon and Commissary as aforesaid did confirm in all respects the said original consent and by way of auxiliary assurance vested (inter alia) the said land in the corporate Trustees of the Diocese of Grafton their executors and assigns subject nevertheless to such encumbrances liens and interest (if any) and also subject to the trusts in respect of the said land or to so much of the same as were still subsisting undetermined and capable of taking effect. AND WHEREAS by the "Grafton Glebe Land Lease Ordinance 1928" Power was given to the said Trustees to lease the said land as therein mentioned but sufficient provisions were not embodied therein and it is expedient to repeal the said Ordinance in manner herewith appearing. AND WHEREAS the corporate Trustees of the Diocese of Grafton (hereinafter designated the said "Trustees") desire that buildings should be erected on the said land subject to the terms hereinafter mentioned AND WHEREAS the money required for the same is being obtained from certain capital money vested in the said Trustees AND WHEREAS for the purposes aforesaid it has been deemed expedient to grant leases from time to time on the terms and conditions hereinafter mentioned and that the rents and profits arising from the same should be applied in manner hereinafter appearing NOW THEREFORE the Council of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the "Church of England Trust Property Act 1917" and the "Delegation of Powers Ordinance 1918" appointing the Council of the Diocese of Grafton for the purposes of exercising during the recess of Synod the powers and functions in the said Ordinance referred to 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 place of such Synod ordains declares and rules as follows:—

99 (1) By reason of circumstances subsequent to the creation of the said recited Trusts it has become expedient for the said Trustees to build upon and lease or otherwise lease and cause to be built upon the land described in the Schedule hereto (hereinafter designated the said land) from time to time for periods not exceeding ~~thirty~~ years for the purpose of obtaining income therefrom and to apply such income for such purposes as are hereinafter provided.

(2) The said land may be demised freed from the trusts aforesaid from time to time for terms not exceeding ~~thirty~~ 99 years at any one time the lease to contain covenants that the Lessee shall pay all rates and taxes municipal or Statutory

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charges or impositions AND ALSO that there shall be a condition for re-entry by the said Trustees for non-payment of rent within a reasonable time to be therein specified or on the breach or non-performance or non-observance of any of the covenants therein contained AND FURTHER that such Lease or leases shall be subject to such further covenants provisions conditions and agreements as the said Trustees shall deem proper.

(3) The said Trustees be and the same are hereby authorised to accept the surrender of any leases from time to time made as aforesaid AND FOR that purpose to enter into and execute any document or documents required in relation thereto.

(4) The said Trustees be and the same are empowered to borrow at current rate of interest from the Church Management Fund such sum or sums of money as may be required from time to time to pay rates and taxes Municipal or Statutory charges or impositions repairs replacements maintenance clearing and other expenses as may have been or shall be incurred in holding the said land pending a leasing. Provided always that the total sum of money so borrowed and expended shall not exceed one hundred (£100) pounds.

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(5) The said Trustees be and the same are hereby authorised to use money from such funds as shall be available for investment at the time of leasing and building as aforesaid. And the said Trustees shall cause to be entered into their record book a detailed statement of all money transactions under this trust including a list of the funds from which money has been used and such record shall have fixed to it a clean copy of this Ordinance.

(6) The rent profits and income payable in respect of any such lease or leases affected in pursuance of this Ordinance 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 or in any way relating to the holding pending leasing and to the leasing of the said land and subject thereto shall be applied as follows:—That is to say

(a) In payment of any rates taxes charges and other impositions including repairs and insurance which may be chargeable against the Trustees.

(b) In payment of Five pounds per centum of the gross income of such rents and profits to the Registrar for the time being of the Diocese of Grafton, for the expenses of the Synod and the Diocesan Registry.

(c) In payment to the said Trustees of an annual sum equal to Five pounds per centum per annum of the capital sum expended such sum to be allocated to the funds as hereinbefore mentioned at the discretion of the said Trustees.

(d) In further payment to the said Trustees of a sinking fund in order to reduce the said capital sum the amount of such sinking fund and allocation of same to be at the sole discretion of the said trustees, but such sum shall be not less than £5 per centum per annum of the nett income.

(e) Pending repayments of the sum owing to the said Trustees a sum not exceeding £20 per annum to be paid to the incumbent for the time being of the Parish of Grafton.

(f) On liquidation of the sum so due as aforesaid then the nett income shall be paid to the incumbent for the time being of the Parish of Grafton and/or for such other purposes as the said Trustees with the approval of the Bishop and the Council of the Diocese of Grafton shall determine.

(7) The "Grafton Glebe Land Lease Ordinance 1928" is hereby repealed but such repeal shall not prejudice or affect anything done previous to the passing of this Ordinance or any proceeding matter or thing lawfully done or contracted to be done before the commencement of this Ordinance.

(8) This Ordinance shall be styled and cited as the "Corporate Trustees Grafton Glebe Leasing Ordinance 1931."

#### THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing by admeasurement two roods and fourteen perches be the same more or less situate lying and being in the Town of Grafton Parish of Marlow in the County of Clarence in the State of New South Wales being allotment number two of section number five commencing at the Northern corner of allotment number one and BOUNDED on the North-east by Victoria street being a line bearing North sixty-four degrees West one chain to the Eastern Corner of allotment number three on the North-west by allotment number three being a line bearing South twenty-six degrees West to the Clarence River, on the South-west by the Clarence River from the Southern Corner of allotment number three to the Western corner of Allotment number one and on the South-east by allotment number one being a line bearing North twenty-six degrees East from the Clarence River to the commencing point being the allotment sold as lot 5 in pursuance of the proclamation of the thirtieth day of December One thousand eight hundred and fifty.

I hereby certify that this Ordinance was passed by the Diocesan Council this 10th day of February, 1931.

WILL. B. KING, Secretary.

I assent to this Ordinance,

JOHN WILLIAM GRAFTON.

February 20, 1931.

