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*Christ Church, Old Guildford, Sale Ordinance, 1956.*

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No. 13, 1956.

AN ORDINANCE to vest certain land at Old Guildford in the Municipality of Fairfield in the Church of England Property Trust, Diocese of Sydney, to authorise the sale of portion of such land and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated 30th December 1882 made between Henry Whitaker of the one part and the Incumbent for the time being of St. John's Church of England Parramatta, Edward Whitaker, Henry Ernest Whitaker, Samuel Barber and James Bellenger (therein called the said Trustees) of the other part Registered No. 255 Book 261 the land therein described and more particularly set out in the First Schedule hereto was granted and released unto the said Trustees and their survivors as joint tenants upon trust for the erection and maintenance of a church or building to be called "Guildford Church" for the celebration of public worship according to the rites of the Church then known as the United Church of England and Ireland, and for the purpose of a dwelling house for the use of the Minister for the time being of the said Church or building and of a school house for the education of children of members of the Church of England and of such other children as the Minister for the time being of the said church or building might approve and for a burial ground in connection with the said church or building or for any of such purposes AND WHEREAS the said land is now situated in the Provisional District of Villawood and is held for the sole benefit of that District AND WHEREAS portion of the said land namely Lots 4 and 5 of Section Five of the Orchardleigh Estate having a frontage of 132 feet to Orchardleigh Street were divested from the said Trustees by Primary Application No. 6032 dated 10th February 1884 AND WHEREAS it is expedient that the residue of the land described in the said Conveyance be vested in Church of England Property Trust Diocese of Sydney AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is expedient to carry out and observe the same and it is expedient that the said trusts be varied as hereinafter declared AND WHEREAS by reason of circumstances which have also arisen subsequent to the creation of the said trusts it is expedient that the land described in the Second Schedule be sold Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Directs as follows:—

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1. By reason of circumstances which have arisen since the creation of the trusts upon which the land described in the First Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said trusts be varied as hereinafter set out.

2. The land described in the First Schedule hereto or so much thereof as is now capable of being subject thereto shall be and the same is hereby vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Provisional District of Villawood or any parish hereafter formed in the place thereof.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is expedient that the land described in such Schedule be sold.

4. The Corporate Trustee is hereby empowered to sell the land described in the Second Schedule hereto by public auction or private contract at such time and for such price and upon such terms and conditions as it shall think fit freed from the trusts aforesaid.

5. The proceeds of the sale of the said land shall after deducting thereout all outgoings properly chargeable against the said land and the costs charges and expenses of and incidental to this Ordinance and of the sale of the said land and the conveyance executed in pursuance thereof be applied by the Corporate Trustee in and towards the erection or acquisition of a Rectory in the Provisional District of Villawood and pending such application to invest the same in accordance with the provisions of the Investment of Church Trust Property Ordinance 1944 or any ordinance amending or taking the place of same and the income arising from such investment shall be held and may be re-invested as aforesaid and shall follow the destination of the capital sum.

6. This Ordinance may be cited as "Christ Church, Old Guildford, Sale Ordinance 1956."

FIRST SCHEDULE.

All that piece of land situated at Fairfield in the Parish of Saint John and County of Cumberland commencing at the intersection of Church and Orchardleigh Streets and bounded on the west by Church Street bearing northerly two hundred and sixty-six feet six inches to Lot Sixteen on the north by that Lot bearing easterly three hundred and thirty feet to Lot Six on the east by that Lot bearing southerly two hundred and fifty-three feet ten inches to Orchardleigh Street aforesaid and on the south by that street bearing westerly three hundred and thirty feet to the point of commencement being Lots One to Five inclusive of Section Five of the Orchardleigh Estate and also part of North's Six hundred and forty acres grant be the said dimensions all a little more or less.

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SECOND SCHEDULE.

All that piece or parcel of land situated at Old Guildford in the Municipality of Fairfield Parish of St. John County of Cumberland commencing at the intersection of Broughton (formerly Church) street and Orchardleigh Street and bounded on the west by Broughton Street bearing northerly 266 feet 6 inches to Lot Sixteen on the north by that Lot bearing easterly 20 feet on the east by a line parallel with Broughton Street bearing southerly 258 feet 6 inches thence by a line bearing south easterly 11 feet 5 inches to Orchardleigh Street aforesaid and on the south by that Street bearing westerly 28 feet to the point of commencement being part of Lot 1 of Section 5 of the Orchardleigh Estate and also part of North's 640 acres grant be the said dimensions all a little more or less.

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

W. G. HILLIARD, Bishop.  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 7th day of May, 1956.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

12/5/1956.