

*Penrith Land Sale.*

4/1907

AN ORDINANCE to authorise the sale of land situate at Penrith in the County of Cumberland and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

*(Assented to 27 September, 1907.)*

WHEREAS by Indentures of lease and release dated respectively the ninth and tenth days of November one thousand eight hundred and forty-one Registered Number 501 Book 60 and made between Phillip Parker King of the one part and Sir John Jamison, Robert Copland Lethbridge, Charles Sims, John Tindale, and Phillip Gidley King (therein and hereinafter called the Trustees) of the other part All that piece of land described in the Schedule hereto and on which was erected and built a minister's dwelling for the residence of the clergyman of the Churches of Saint Mary Magdalene South Creek and Saint Stephen the Martyr Penrith was granted and released unto the Trustees their heirs and assigns for ever to hold the same unto and to the use of the Trustees and the survivors or survivor of them and the heirs and assigns of such survivor. But nevertheless to for and upon the several trusts uses intents and purposes by a certain Act of the said State being the third of the seventh year of the reign of his late Majesty King William the Fourth and intituled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" declared and for such further trusts intents and purposes as the Governor and Council of the said State should appoint. And whereas by a Deed of consent dated the seventh day of March one thousand eight hundred and eighty-four Registered Number 705 Book 838 the said land described in the Schedule hereto became vested in the Church of England Property Trust Diocese of Sydney. And whereas the Minister of the said Church of Saint Stephen the Martyr (now known

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as Saint Stephen's Penrith) still resides in the Rectory on the land described in the said Schedule hereto. And whereas by reason of the said Rectory being so far distant from the centre of population at Penrith it has been decided to erect another residence in a more suitable position. And whereas it has become inexpedient to carry out or observe the particular purpose to which the said land described in the Schedule hereto is by the said trusts devoted. And whereas it is expedient that the said land should be sold and the proceeds of such sale or sales applied in manner hereinafter provided. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" or otherwise ordains declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said trusts it has become inexpedient to carry out or observe the particular purposes to which the said land was by the said trusts devoted.

2. The land described in the Schedule hereto may be sold by public auction or private contract either in one lot or in several lots at such price or prices and upon such terms and conditions as the said Church of England Property Trust Diocese of Sydney may deem expedient freed from any trust whatsoever.

3. The purchase money arising from the said sale or sales shall be paid to the said Church of England Property Trust Diocese of Sydney and (after payment thereof of the expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof) shall be applied in or towards the expenses incurred or to be incurred in purchasing a piece of land adjoining or in close proximity

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to the said Church of Saint Stephen Penrith and in erecting thereon a residence for the minister of the said Church.

4. Any part of the said purchase money not immediately required to be applied as aforesaid may be invested by the said Church of England Property Trust Diocese of Sydney in any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States in the said Commonwealth or on Mortgage of Freehold Properties in New South Wales with power from time to time to vary any such investments for any other or others of them and pending such investments may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney and the annual income arising from any such investment shall be applied in the first instance to the maintenance and repair of the new Rectory and the balance shall be paid to the Rector for the time being of the Church of Saint Stephen at Penrith aforesaid.

5. This Ordinance shall be styled and cited as the "Saint Stephen's Penrith Rectory Sale Ordinance of 1907."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate at the West side of a grant to the said Phillip Parker King called Saint Stephen's in the Parish of Castlereagh and County of Cumberland containing four acres more or less whereon has been erected and built a minister's dwelling bounded on the South by a line East along the North fence of land leased by the said Phillip Parker King to one John Francis twenty-five rods in length commencing at a corner pin thirty chains from the South-West

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corner of the land granted to, the said Phillip Parker King and called Saint Stephens on the East by a line North twenty-six rods on the North by a line West twenty-five rods and on the West by a line South twenty-three rods to the first named corner pin.

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