

No. 7, 1955.

AN ORDINANCE to authorise the sale of certain land at Corner Middle Street and Jane Street Kingsford and to provide for the application of the proceeds thereof.

WHEREAS by Conveyance dated 9th March 1888 Registered No. 189 Book 384 between Edwin Thomas Penfold and George Wall of the one part and the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) of the other part the lands described in the Schedule hereto were conveyed to the said Trust AND WHEREAS the said land has been from the time of the said Conveyance to the year 1941 situated in the Parish of St. Jude Randwick and is Church Trust Property and held upon trust for the erection of a church or mission house for the performance of Divine Service and the existing Minutes of the Parish indicate that it was held solely for the benefit of the Parish of St. Jude Randwick AND WHEREAS by reason of an alteration of boundaries between the said Parish and the Parish of Kingsford the said land is now situated in the latter Parish AND WHEREAS it was recommended by the Permanent Investigation Committee at the time the said alteration of boundaries was discussed that the building known as St. Faith's Church erected on the said land be demolished, the land sold and the proceeds of such sale become the property of St. Jude's Randwick AND WHEREAS it is expedient to carry out the said recommendation AND WHEREAS the said Trust is registered proprietor of the land comprised in Crown Grant Registered Volume 1104 Folio 158 more particularly described in the second schedule hereto and is held upon trust for the Interment of the Dead according to the use of the Church of England AND WHEREAS the said land has now been closed as a burial ground by Act of Parliament and it is inexpedient and impossible to carry out and observe the said trust AND WHEREAS it is expedient that a Columbarium be erected on portion of the said land and that the trusts thereof should be varied.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

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*St. Jude's Randwick Sale Ordinance 1955.*

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1. This Ordinance may be cited as "St. Jude's Randwick Sale Ordinance 1955."

2. By reason of circumstances subsequent to the creation of the trusts of the land described in the first schedule hereto it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

3. The said land may be sold by the said Trust either by public auction or private contract together or in lots for cash or on credit at such price or prices and upon such terms and conditions as the said Trust may determine with power to vary or rescind any contract of sale.

4. The purchase money to arise from any sale or sales of the said land or any part or parts thereof shall be paid to the said Trust and so much thereof as shall be required for such purposes shall be applied by the said Trust in the payment of all outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and any sale or sales of the said land or any part or parts thereof and the balance of the said purchase money shall be held upon trust to use the same in and towards the building of a Columbarium for St. Jude's Randwick.

5. Pending such application as aforesaid the net proceeds arising from any such sale or sales may be invested in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" or any Ordinance amending or taking the place of the same and the income from such investments shall be accumulated and held upon the same trusts as hereinbefore declared in respect of the capital.

6. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the second schedule hereto is held it is impossible and inexpedient to carry out and observe the same and it is expedient to vary the said trusts as hereinafter set out.

7. The land described in the said second schedule shall henceforth be held upon trust to permit the same to be used for a church parsonage parish hall burial ground or Columbarium or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Jude Randwick.

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THE FIRST SCHEDULE.

All that piece or parcel of land situate lying and being in the Parish of Alexandria in the County of Cumberland Colony of New South Wales being the hereinafter mentioned several dimensions a little more or less being part of 10 acres granted by the Crown to Simeon Henry Pearce and James Pearce and sold as Lot 13 in pursuance of Proclamation of 3/6/1852 Commencing at a point distant 547 links Southerly and  $145\frac{1}{2}$  links Westerly from the North Western corner of the Grant and bounded on the North by a line bearing Westerly  $102\frac{1}{2}$  links to Jane Street on the West by that Street bearing Southerly 107 links to Middle Street on the South by that Street bearing Easterly  $102\frac{1}{2}$  links and on the East by a line bearing Northerly 107 links to the point of commencement.

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THE SECOND SCHEDULE.

All that parcel of land situate in the Municipality of Randwick Parish of Alexandria County of Cumberland containing two acres two roods 34 perches or thereabouts having a frontage of 293' 0 $\frac{1}{2}$ " to Frances Road and being the whole of the land comprised in Certificate of Title Volume 1104 Folio 158.

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

ARTHUR L. WADE,  
Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 30th day of May, 1955.

H. V. ARCHINAL,  
Diocesan Secretary

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

1/6/1955.

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