
*St. Mary Magdalene St. Mary's Burial Ground
Ordinance, 1960.*

No. 37, 1960.

AN ORDINANCE to provide for the de-consecration of certain land at St. Mary's forming part of the Burial Ground adjacent to the Church of St. Mary Magdalene at St. Mary's Parish of Rooty Hill County of Cumberland, and to declare other trusts in respect thereof.

WHEREAS on 22nd April, 1840 certain land at St. Mary's in the Parish of Rooty Hill County of Cumberland adjacent to the Parish Church of St. Mary Magdalene St. Mary's was set apart and consecrated for the purpose of a Church yard cemetery or burial place as appears in the Sentence of Consecration set out in the First Schedule hereto AND WHEREAS the land described in the Second Schedule hereto forms part of the land so set apart and consecrated AND WHEREAS no interments or burials have been made in that part described in the said Second Schedule and by reason of the rocky nature of that part of the said land it is impracticable and inexpedient to make any grave or interment therein AND WHEREAS it is proposed to erect upon part of such land a school hall in connection with the said Church and Parish and it is expedient that the land described in the said Second Schedule should be removed from the Sentence of Consecration now affecting the same and the trusts upon which the said land is held be otherwise declared NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:-

1. 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 inexpedient to carry out and observe the same and it is expedient to vary the trusts as hereinafter set forth.

2. The Sentence of Consecration bearing date 22nd April, 1840, referred to in the First Schedule hereto is hereby rescinded so far as it effects the land described in the Second Schedule hereto but not otherwise.

3. The land described in the said Second Schedule shall henceforth be held upon trust to permit the same to be used as a Church, parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in the Parish of St. Mary Magdalene at St. Mary's.

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4. This Ordinance may be cited as "St. Mary Magdalene St. Mary's Burial Ground Ordinance, 1960."

FIRST SCHEDULE.

Sentence of Consecration of Burial Ground.

In the Name of God, Amen!

We William Grant by Divine Permission Bishop of Australia taking into consideration the pious and religious desires of the residents and inhabitants of South Creek in the County of Cumberland within our Diocese and jurisdiction, do decree this piece of ground as the same is enclosed around situate lying and being on the north side of the high road from Sydney to Bathurst in the Parish of Rooty Hill containing about two acres more or less whereon has been recently erected and built the Church of St. Mary Magdalene bounded on the south by a line east along the said road five chains in length, commencing at fifteen chains from the corner pin of Oxley's and Putland's Grants, on the east by a line north four chains on the north by a line west five chains, and on the west by a line south four chains to the commencement at fifteen chains from the corner pin of Oxley's and Putland's Grants, to be separated from all ancient profane and common uses, and do by our ordinary and episcopal authority assign dedicate and consecrate it as the Church yard, cemetery or burial place for the dead bodies of the Christian residents and inhabitants of South Creek aforesaid, AND we do openly and publicly pronounce decree and declare that the same shall ever after continue so separated, assigned dedicated and consecrated by this our definitive sentence and final decree which we make promulge in these writings saving always and in all things to ourselves and our successors Bishops of Australia all ordinary and episcopal authority jurisdiction rights and privileges.

In Testimony etc. this 22nd April, 1840.

S.S.

SECOND SCHEDULE.

All that piece or parcel of land situated at St. Mary's in the Parish of Rooty Hill County of Cumberland commencing at a point on the southern side of King Street distant 136' from its intersection with Lethbridge Street thence by a line bearing south for 86' to the northern wall of St. Mary Magdalene Church thence by a line easterly along and past such wall in all for 66' thence by a line at right angles thereto bearing north 46' thence by a line bearing

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east and parallel with the southern alignment of King Street for 124' thence by a line northerly 42' to King Street thence west along that Street 182' to the point of commencement.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of November, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

28/11/1960.