
The St. Paul's Castle Hill Sale Ordinance of 1931.

No. 12. 1931.

AN ORDINANCE to authorise the conveyance to the Baulkham Hills Shire Council of certain lands situated at Castle Hill held by the Church of England Property Trust Diocese of Sydney in trust for the Church of England in the District of Castle Hill and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance made the Eleventh day of July One thousand eight hundred and sixty-six between John Williams of the first part and John William Foster Thomas Best and Samuel Schofield (thereinafter called Trustees) of the second part Registered No. 331 Book 99 the land described in the First Schedule hereto was conveyed unto the Trustees and their successors upon trust for the site of a Parsonage House or Minister's Dwelling for the licensed Minister of the Church of England in the District of Castle Hill AND WHEREAS the said John William Foster died on the Ninth day of January One thousand eight hundred and seventy-five AND WHEREAS the said Thomas Best died on the Thirty-first day of December One thousand eight hundred and ninety-three AND WHEREAS the said Samuel Schofield died on the Sixteenth day of March One thousand nine hundred and five AND WHEREAS by Deed of Consent made on the Twenty-fourth day of February One thousand nine hundred and thirty-one by John Charles Archbishop and Bishop of the Diocese of Sydney Registered No. 145 Book 1627 It was witnessed that the said John Charles as the Bishop of the Diocese of Sydney did thereby consent that the said property mentioned in the First Schedule hereto should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns (hereinafter called the said Trust) subject to the trusts in the said recited Indenture or to so much of the same as was still subsisting undetermined and capable of taking effect AND WHEREAS the said Trust has by contract dated the Twelfth day of June One thousand nine hundred and thirty-one a copy of which is set out in the Second Schedule hereto contracted to sell to the Baulkham Hills Shire Council at or for the price of One hundred and fifty pounds (£150) a certain strip of such lands along the Old Northern Road and Parsonage Lane Castle Hill and being part of the land comprised in the said recited Indenture Registered No. 331 Book 99 AND WHEREAS such sum

is to include the total amount recoverable by the said Trust from the Baulkham Hills Shire Council by way of compensation and damages for reinstatement severance or otherwise AND WHEREAS it is expedient that the said land should be sold for the purpose and in the manner hereinafter appearing Now therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 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 place of the said Synod directs, declares and rules as follows:—

1. The said Trust is hereby directed and authorised to sell to the Baulkham Hills Shire Council in conformity with and on the terms of the said recited contract of sale entered into between the said Trust as vendor and the Baulkham Hills Shire Council as purchaser the strip of land along the Old Northern Road and Parsonage Lane Castle Hill described in the Second Schedule hereto.

2. The costs and expenses incidental to the said sale to the Baulkham Hills Shire Council and also incidental to this Ordinance shall be paid out of the proceeds of such sale and the balance of such proceeds shall be paid by the said Trust to the Rector and Churchwardens for the time being of the Church of St. Paul Castle Hill whose receipt will be a sufficient discharge therefor and shall be applied by such Rector and Churchwardens in and towards the costs charges and expenses of re-erecting the fence on the new boundaries of the said land and in part payment of the costs of the erection of, a new Rectory for the Parish of St. Paul Castle Hill upon a site to be held upon trust for the said purpose.

3. This Ordinance shall be styled and cited as "The St. Paul's Castle Hill Sale Ordinance of 1931."

FIRST SCHEDULE.

All that piece or parcel of land containing one acre situate in the Parish of Castle Hill County of Cumberland Commencing at the south-east corner of William Fishburne's Sixty acres Grant on the west side of the Great Northern Road Bounded on the east by the said Road southerly two chains on the south by a line

westerly parallel to Fishburne's south boundary line five chains on the west by a line northerly parallel to the said Road two chains and on the north by part of Fishburne's southern boundary line to the point of commencement five chains the same being a portion of land belonging to the said Grantor.

SECOND SCHEDULE.

AGREEMENT FOR SALE.

The Church of England Property Trust Diocese of Sydney in the State of New South Wales (hereinafter called the Vendor) hereby agrees to sell and the Baulkham Hills Shire Council (hereinafter called the Purchaser) hereby agrees to purchase for the sum of One hundred and fifty pounds (£150) All that parcel of land described in the Schedule hereto subject to the usual terms and conditions of sale approved and in use by the Real Estate Institute of New South Wales save and except in so far as the same are hereby varied or modified. The time for making requisitions shall be twenty-eight days from the time of the delivery of the Abstract or Particulars of Title by the Vendor to the Council's Solicitor on behalf of the Purchaser And the time for tendering a Conveyance or Transfer for execution shall be two months from the date of such delivery And it is hereby agreed that the purchase money shall be payable at Sydney and that such purchase money shall be payable on completion of the Conveyance or Transfer and upon the same being handed over to the Council's Solicitor aforesaid And further that the quit rent (if any) reserved by the original Grant from the Crown under which the land is held shall be paid and redeemed by the Vendor And that the Vendor shall be entitled to and shall pay or bear the same respectively and any necessary apportionment thereof shall be made and adjusted on completion.

SPECIAL CONDITIONS.

1. The Vendor covenants to give vacant possession of the land described in the Schedule hereto.

2. The Purchaser shall immediately upon the completion of the Conveyance complete and register such documents as may be required by the Registrar General for the dedication as a Public Highway of the whole of the land hereby purchased.

3. The Vendor shall at its own expense erect a suitable fence along the new street and road alignment and shall at the like expense remove all buildings at present upon the land sold.

4. The contract is made subject to and conditional upon the Vendor obtaining the approval of the Standing Committee of the Synod of the Diocese of Sydney on behalf of the said Synod to the sale of the said land at the price and upon the terms aforesaid.

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Shire of Baulkham Hills Parish of Castle Hill and County of Cumberland Commencing at the intersection of the south-western side of Parsonage Lane and the north-western side of Old Northern Road and bounded on the south-east by the north-western side of that road being lines bearing 195 degrees 18 minutes for a distance of 72 feet 8 inches and 195 degrees 48 minutes for a distance of 61 feet 1 inch thence on the south-west by a line bearing 296 degrees 17 minutes for a distance of 10 feet 2 inches to the north-east corner of Lot 1 being land under the Real Property Act as shewn in Deposited Plan 10049 thence on the north-west by lines bearing 15 degrees 48 minutes for a distance of 59 feet 2½ inches and 15 degrees 18 minutes for a distance of 12 feet 7¼ inches again on the south-west by the arc of a circle of radius 33 feet no inches for a distance of 46 feet 9¾ inches and a line bearing 294 degrees 1 minute 45 seconds for a distance of 289 feet 10¾ inches again on the north-west by a line bearing 15 degrees 18 minutes for a distance of 40 feet 10½ inches to the south-western side of Parsonage Lane aforesaid and on the north-east by that side of that Lane being lines bearing 107 degrees 44 minutes 45 seconds for a distance of 28 feet 7¼ inches and 116 degrees 4 minutes 15 seconds for a distance of 301 feet 3 inches to the point of commencement and containing by admeasurement 1 rood 10½ perches be the same several dimensions all a little more or less.

As witness the seals of the parties this twelfth day of June 1931.

The Common Seal of the Church of England Property Trust Diocese of Sydney was hereto affixed pursuant to a resolution passed at a duly constituted meeting of the said Trust held on the Twelfth day of June 1931 in the presence of

JOHN CHARLES SYDNEY.
GERARD D'ARCY-IRVINE.
C. M. GUNTHER.
KELSO KING.

C. R. WALSH, Secretary.

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The Common Seal of the Baulkham Hills Shire Council was hereto affixed this twelfth day of June 1931 in pursuance of a resolution passed by the Council at a duly convened meeting held on the ninth day of June 1931.

A. WHITLING, President.

E. C. SHERWIN, Shire Clerk.

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

J. A. I. PERRY,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-eighth day of September, 1931.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd October, 1931.