
*St. Stephen's Mittagong Vesting Land Sale and
Variation of Trust Ordinance 1965*

No. 18, 1965.

AN ORDINANCE to vest certain land at Welby in the Shire of Mittagong in Church of England Property Trust Diocese of Sydney, to authorise the sale of such land and to provide for a variation of the trusts of the proceeds thereof.

WHEREAS by Crown Grant dated 11th August 1874 Registered Volume 313 Folio 134 the land described in the first part of the Schedule hereto was granted to James, Snowden Calvert, George John Roberts and George Martin being respectively Trustees nominated and appointed under the Act passed in the eighth year of King William the Fourth entitled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" (hereinafter called the said Trustees) upon trust for the erection thereon of a Church of the United Church of England and Ireland as by Law established AND WHEREAS by Crown Grant bearing the same date Registered Volume 313 Folio 133 the land described in the second part of the said Schedule was also granted to the said Trustees upon trust for the appropriation of a Dwelling House, garden and other appurtenances for the Clergyman duly appointed in the Church of the United Church of England and Ireland at Fitzroy AND WHEREAS the said land is situated in the Parish of St. Stephen Mittagong AND WHEREAS no Church or dwelling house has been erected thereon and the land is not required for the purposes for which it was granted as aforesaid AND WHEREAS the said Trustees are now deceased and it is expedient that the land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS by reason of circumstances which have arisen since the creation of the trusts upon which the said land (being Church Trust Property) is now held it is inexpedient to carry out and observe the same and it is expedient that the land be now sold and the trusts of the net proceeds be varied NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY DECLARES DIRECTS AND RULES as follows:-

1. That the land described in the Schedule hereto be and the same is hereby vested in the Corporate Trustee.
2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the

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first and second parts of the Schedule hereto are respectively held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and the trusts of the net proceeds be varied as hereinafter set out.

3. The Corporate Trustee is hereby authorised and empowered to sell the said land together or in parcels by public auction or private contract at such price or prices at such time or times and upon such terms and conditions as it shall think fit freed from the trusts upon which the land is now held.

4. The proceeds arising from the said sale shall after paying thereout all outgoings to which the land is subject and the costs of and incidental to this Ordinance and the sale or sales pursuant thereto shall be paid to the Churchwardens of St. Stephen's Church Mittagong who shall apply the same towards the erection of a new Church hall or parish hall in the said Parish.

5. This Ordinance may be cited as "St. Stephen's Mittagong Vesting Land Sale and Variation of Trust Ordinance 1965."

SCHEDULE

FIRST PART

All that piece or parcel of land containing 1 acre situated at Welby (formerly known as Fitzroy) in the Shire of Mittagong Parish of Jellere County of Camden having a frontage of 400 links to Hume Highway (formerly known as The Great Southern Road) by depth along Nattai Street of 250 links being Lots 6 and 7 of Section 6 and the whole of the land comprised in Crown Grant Volume 313 Folio 134.

SECOND PART

All that piece or parcel of land situated as aforesaid containing 2 roods having a frontage of 200 links to Berrima Street by depth of 250 links being Lot 4 Section 6 and the whole of the land comprised in Crown Grant Volume 313 Folio 133.

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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 June, 1965.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

28/6/1965.

HUGH SYDNEY,
Archbishop of Sydney.
