
All Saints' Hunter's Hill Exchange Ordinance, 1962.

No. 43, 1962.

AN ORDINANCE to authorise the exchange of certain land situated at Joubert Street Hunter's Hill in the Municipality of Hunter's Hill for certain other lands situated at Figtree Road Hunter's Hill in the said Municipality and for purposes incidental thereto.

WHEREAS by Indenture of Conveyance dated the 9th day of February 1858 made between Piddocke Arthur Tompson, Henry Bayes Cotton of the first part Didier Numa Joubert of the second part Louise Marie Joubert of the third part and William Wright, William Weaver and Henry Charles Brookes (therein called the "said trustees") of the fourth part reciting the election of the said trustees by a meeting of residents at Hunter's Hill on the 14th day of November 1857 who had subscribed money for the purpose of erection, maintenance and repair of a Episcopalian Church and School House at Hunter's Hill and also reciting a Conveyance dated the 31st day of May 1852 by which the parties of the first, second and third parts conveyed the land therein described of which the land in the first schedule hereto forms part to the said trustees upon trust for sale during the lives and at the directions of the parties of the second and third parts and also reciting the direction of the said parties of the second and third parts to sell to the said trustees the said land therein described which was conveyed to the said trustees by the direction of the parties of the second and third parts thereto to hold the said land as such trustees upon the trusts thereinbefore and hereinbefore recited AND WHEREAS by Declaration of Trust dated 1867 the said Didier Numa Joubert, Louise Marie Joubert, William Wright, William Weaver and Henry Charles Brookes declared that the said trustees the said William Wright, William Weaver the said Henry Charles Brookes were duly elected on the 14th day of November 1857 trustees for the erection maintenance and repair of the said within mentioned Church and School in accordance with provisions of the Act of the Governor and Legislative Council 8 Wm. IV No. 5 and that they hold and have ever held the said lands and premises as such trustees AND WHEREAS the said land therein described of which the land in the first schedule hereto forms part was on the 12th day of November 1913 resumed by the Crown under the Powers conferred by the Governor by the Public Works Act 1912 AND WHEREAS by reason of the death or other disability of the said trustees the consent of a majority of the said trustees could not be obtained to the vesting

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of the said property in the corporate body known as The Church of England Property Trust Diocese of Sydney within a period of twelve months from the constitution thereof, the Archbishop and Bishop of the Diocese of Sydney by Deed of Consent dated the 30th day of January 1914 consented that the compensation money to be paid by the Crown for and in respect of the resumption of the said land of which the land described in the first schedule hereto forms part should be paid and the said property mentioned in the schedule thereto should henceforth become and be vested in the Church of England Property Trust Diocese of Sydney subject to the trusts in the said Indenture of Conveyance hereinbefore referred to dated the 9th day of February 1858 Registered No. 772 Book 56 or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS by Indenture of Conveyance dated the 19th day of April 1917 made between The Honourable Richard Thomas Ball the Minister for Public Works of the State of New South Wales hereinafter referred to as the "Constructing Authority" of the one part and Church of England Property Trust Diocese of Sydney (hereinafter called the "Property Trust") of the other part and reciting that the land described in the schedule thereto being the said land comprised in the first schedule hereto was not required for the purposes of the Public Work for which it was resumed and also reciting that the Constructing Authority had agreed with the Archbishop of Sydney and the Property Trust for the absolute sale to the Property Trust of the said land for the sum of One thousand pounds (£1,000) such sum to be set off against the One thousand pounds (£1,000) compensation money payable and also reciting that the said land should be conveyed to the Property Trust for the trusts thereinafter declared the said land described in the first schedule hereto was granted bargained sold enfeoffed released and conveyed unto the Property Trust and its assigns excepting all mines and deposits of coal ironstone kerosene shale limestone fireclay slate or other minerals under the said land together with all rights and appurtenances to the said land belonging to hold the said land and hereditaments unto and to the use of the Property Trust its successors and assigns for ever upon the trust in the said Indenture of Conveyance dated the 9th day of February 1958 Registered No. 772 Book 56 AND WHEREAS negotiations have been made with the Department of Main Roads for an exchange of the land described in the first schedule hereto for land now vested in the Commissioner for Main Roads more particularly described in the second schedule hereto AND WHEREAS it is expedient that the said recited exchange be made and the

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trusts of the land to be acquired by the Corporate Trustee as described in the second schedule be 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 first schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be conveyed to the Commissioner for Main Roads free from the said trusts in exchange for a transfer by the said Commissioner to the Corporate Trustee of the land described in the second schedule hereto.

2. The land described in the second schedule hereto shall upon a transfer thereof to the Corporate Trustee be held by it upon trust to permit the same to be used for a Church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in the Parish of All Saints Hunter's Hill.

3. This Ordinance may be cited as "All Saints Hunter's Hill Exchange Ordinance, 1962."

THE FIRST SCHEDULE REFERRED TO

All that piece or parcel of land situate in the Parish of Hunter's Hill County of Cumberland and State of New South Wales being part of Ten acres originally granted to John Rochester commencing on the Eastern side of Joubert Street at the South Western corner of Lot 1 of Deposited Plan 4174 at the Registrar General's Office Sydney and bounded thence on the North by a Southern boundary of that lot bearing ninety nine degrees eleven minutes one hundred and five feet five and a half inches on the East by part of the Western boundary of One rood nineteen perches comprised in Certificate of Title Volume 1218 Folio 238 bearing Southerly one hundred and six feet ten and three quarters inches to the Northern side of Church Street thence on the South by part of that side of that street bearing Westerly about one hundred and four feet to its intersection with the Eastern side of Joubert Street aforesaid and thence on the West by part of that side of that Street bearing nine degrees twenty four minutes one hundred and five feet four and three quarters inches to the point of commencement be the

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said several dimensions all a little more or less having an area of One rood or thereabouts.

THE SECOND SCHEDULE REFERRED TO

All that piece or parcel of land situate at Hunter's Hill in the Parish of Hunter's Hill County of Cumberland and being Lot 4 in D.P. 202571 and being part of land in Certificate of Title Volume 1138 Folio 143.

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 29th day of October, 1962.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

29/10/1962.

HUGH SYDNEY,
Archbishop of Sydney.