
*St. James' Pitt Town ("Rockleigh") Land Sale
and Variation of Trust Ordinance 1965*

No. 8, 1965.

AN ORDINANCE to vary the Trusts in certain respects and to authorise the sale of certain land known as "Rockleigh" in the Municipality of Windsor Parish of Pitt Town and County of Cumberland and to provide for the application of the proceeds.

WHEREAS by Deed of Settlement dated the 13th day of March 1920 made between Caroline Phillips of Cattai in the County of Cumberland Spinster (hereinafter and hereinafter called "the Settlor") of the one part and the Most Reverend John Charles Wright Archbishop of Sydney in the State of New South Wales of the other part registered in Land Titles Office No. 11972 the Settlor settled upon the said John Charles Wright Archbishop of Sydney his successors or other the Trustees for the time being (hereinafter called "the Trustees") the whole of the land in Certificate of Title Volume 3021 Folio 222 and Volume 3021 Folio 223 (now the whole of the land in Certificate of Title Volume 3060 Folio 48 more particularly described in the Schedule hereto) subject to certain trusts and conditions therein contained AND WHEREAS the said Deed of Settlement recited a provision that upon the death of the Settlor the said land was to be held upon trust for the maintenance support and otherwise for the benefit of the Ministers or Catechists licensed by the Archbishop of Sydney for the time being to officiate in the District of Pitt Town aforesaid and for adjoining District of Cattai or for such one or more of them as such Archbishop shall from time to time determine AND WHEREAS the said Deed of Settlement further recited a power of sale to be exercised with the sanction of the Archbishop of Sydney for the time being and with the authority of an Ordinance provided that such sale should not be made during the lifetime of the Settlor without her consent AND WHEREAS the said Deed of Settlement further recited that the proceeds of any such sale after deduction of expenses should be held upon trust to invest the same in some or one of the modes authorised for the investment of trust funds and such income after the death of the Settlor should be applied for the maintenance support and otherwise for the benefit of the Ministers and Catechists licensed as aforesaid or for such one or more of them as the Archbishop of Sydney for the time being shall from time to time determine AND WHEREAS by virtue of Section 14 of the Real Property Amendment Act 1921 the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee")

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was registered as proprietor of an estate in fee simple in the land described in the First Schedule hereafter AND WHEREAS the Settlor departed this life on or about the 25th day of August 1929 AND WHEREAS the Parish of St. James' Pitt Town includes inter alia the area referred to in the said Deed of Settlement as "the District of Pitt Town and adjoining District of Cattai" AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule (being part of the land described in the said First Schedule) is held it is inexpedient to carry out and observe the same and it is expedient that the said land described in such Second Schedule be sold and the proceeds applied as hereinafter set forth AND WHEREAS the land described in the Third Schedule is to be retained and by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such land is held it is inexpedient to carry out and observe the same and it is expedient that the trusts thereof be varied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY ORDAINS AND DECLARES 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 part of the said land be sold.

2. The Corporate Trustee is hereby empowered to sell so much of the land as is described in the Second Schedule hereto in one lot or in parcels by public auction or private contract at such time and at such price and upon such terms as the Corporate Trustee in consultation with the Parish Council of St. James' Pitt Town may determine freed from the trusts upon which it is now held.

3. The proceeds arising from the sale of the said lands after paying thereout the costs of and incidental to this Ordinance and of the sale and transfer in pursuance thereof and all outgoings to which the said land may be subject shall be invested by the Corporate Trustee in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" (as amended) and the income arising from the said investment shall be paid from time to time to the Churchwardens of St. James' Church Pitt Town and applied by them towards the maintenance support and otherwise for the benefit of the Ministers, Curates and Catechists licensed by the Archbishop of Sydney for the time being to officiate in the Parish

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of St. James' Pitt Town or for such one or more of them as the Archbishop of Sydney for the time being shall from time to time determine.

4. By reason of circumstances which have arisen subsequent to the creation of the Trusts upon which the land reserved from sale being that described in the Third Schedule hereto is held it is inexpedient to carry out and observe the same and the land shall henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one or partly for another of such purposes in connection with the Church of England in Australia at Cattai in the Parish of St. James' Pitt Town.

5. This Ordinance may be cited as "St. James' Pitt Town ("Rockleigh") Land Sale and Variation of Trust Ordinance 1965."

FIRST SCHEDULE

All that piece or parcel of land situate in the Municipality of Windsor Parish of Pitt Town and County of Cumberland having an irregular frontage to Cattai Road and containing an area of 32 acres 3 roods 24½ perches or thereabouts being part of Portion 149 and 66 acres being the whole of Portion 150 and being the whole of the land contained in Certificate of Title Volume 3060 Folio 48 subject to the Notice of Resumption pursuant to the Public Roads Act 1902.

SECOND SCHEDULE

All that piece or parcel of land situate at Cattai in the Municipality of Windsor Parish of Pitt Town County of Cumberland being Lot 2 of a subdivision of the land comprised in Certificate of Title Volume 3060 Folio 48 and containing an area by deduction of 97 acres 20 perches COMMENCING at the intersection of the eastern side of the road shown in plan catalogue No. R23387.1603 with the High Water Mark on the southern side of Cattai Creek and bounded thence on the north west by the abovementioned High Water Mark in a generally north easterly direction to the eastern boundary of Portion 150 and thence on the east by the western boundary of Portion 151 bearing 180 degrees distant 4922 links to a road one chain wide thence on the south west by the north eastern side of that road being lines bearing respectively 275 degrees 1 minute distant 462 links 294 degrees 39 minutes distant 822.7 links and 279 degrees 54 minutes distant 830.3 links thence on the south west by lines bearing respectively 324 degrees 17 minutes distant 374.3 links 318 degrees 6 minutes distant 200 links 316 degrees

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34 minutes distant 387.7 links and 315 degrees 6 minutes distant 300 links thence on the south east by a line bearing 228 degrees 6 minutes distant 500 links thence again on the south west by the aforementioned road one chain wide bearing 318 degrees 6 minutes distant 60.6 links thence on the north west by a line bearing 48 degrees 6 minutes distant 500 links thence again on the south west by a line bearing 310 degrees 30 minutes distant 462.7 links thence on the west by the eastern side of a road bearing 341 degrees 29 minutes distant 230.3 links and 360 degrees 1 minute 25 seconds distant 656.8 links to the point of commencement be the said several dimensions all a little more or less.

THIRD SCHEDULE

All that piece or parcel of land situate at Cattai in the Municipality of Windsor Parish of Pitt Town County of Cumberland being Lot 1 of a subdivision of the land comprised in Certificate of Title Volume 3060 Folio 48 and containing an area by admeasurement of one rood two and one quarter perches Commencing at the eastern corner of the land comprised in Certificate of Title Volume 3060 Folio 25 and bounded on the north east by a line bearing 144 degrees 17 minutes distant 374.3 links to an angle on the northern side of a road one chain wide and bounded thence on the south west by that road being lines bearing respectively 303 degrees 48 minutes distant 308.6 links and 280 degrees 27 minutes distant 92.3 links thence on the north west by the south eastern boundary of Certificate of Title Volume 3060 Folio 25 aforementioned bearing 48 degrees 6 minutes distant 172.9 links to the point of commencement be the said several dimensions all a little more or less.

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 3rd day of May 1965.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

3/5/1965.

HUGH SYDNEY,
Archbishop of Sydney.