
St. James Smithfield Vesting and Land Sale Ordinance 1961

No. 45, 1961.

AN ORDINANCE to vest certain land situated at Horsley Drive, Smithfield to authorise the sale of part of such land and to provide for the application of the proceeds thereof.

WHEREAS by indenture of Conveyance dated the twelfth day of September One thousand eight hundred and fifty-six Registered No. 209 Book 45 made between William Reece of the one part and the Bishop of Sydney of the other part after reciting that the said Bishop of Sydney in order to provide a convenient site for a Church or other objects thereafter mentioned had contracted with the said William Reece for the purchase of the land described in the First Schedule hereto the said party of the first part granted bargained sold released and confirmed to the said party of the second part his successors and assigns the land comprised and described in the First Schedule hereto unto and to the use of the said Bishop of Sydney his successors and assigns in trust for the erection thereon of a Church or Chapel for the performance of Divine Worship according to the rights of the United Church of England and Ireland and also for the erection of a dwelling house for a Clergyman in Holy Orders to be licensed by the said Bishop of Sydney for the time being to the cure of the said Church and also for the erection of a school house or for all or any of the said objects as the said Bishop of Sydney shall from time to time determine AND WHEREAS the said land is Church Trust property now held for the benefit of the Parish of St. James Smithfield AND WHEREAS it is expedient that the said land be vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") AND WHEREAS the land has now been sub-divided into Lots "A" and "B" and a plan of sub-division signed by Mr. Surveyor W. R. Hardy dated the twenty-second day of November One thousand nine hundred and sixty has been duly approved by the Council of the Municipality of Fairfield AND WHEREAS it is proposed to sell Lot "A" containing twenty-two and one quarter perches more particularly described in the Second Schedule hereto AND WHEREAS the said land described in the Second Schedule hereto is vacant land and it is inexpedient to carry out the Trusts upon which the same is held and it is expedient that it be sold and the proceeds applied towards the purposes hereinafter set out NOW the governing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

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1. That the land described in the First Schedule 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 land described in the Second Schedule hereto is held it is inexpedient to carry out and to observe the same and it is expedient that the said land be sold.

3. The said land may be sold by the Corporate Trustee at such time or times at such price or prices and upon such terms and conditions as the Corporate Trustee shall think fit freed from the said Trusts.

4. The proceeds arising from the said sale shall after payment thereof of all outgoings to which the said land may be subject and the costs of and incidental to this Ordinance and the said subdivision and the sale of the said land and the conveyance in pursuance thereof shall be applied as follows:-

(a) As to the sum of three thousand pounds (£3,000) of the said proceeds of sale to be invested by the Corporate Trustee in accordance with the provisions of the Investment of Church Trust Property Ordinance 1944 as amended or any Ordinance amending or taking the place of the same and the nett income arising therefrom shall be paid by the Corporate Trustee towards the following purposes:-

(i) To repay to the Corporate Trustee the sum of Two hundred and sixty-one pounds two shillings and five pence paid by it on account of rates to the Council of the Municipality of Fairfield.

(ii) To pay all arrears due by the Parish of St. James Smithfield under and by virtue of any Synod Assessments in respect of which such arrears are payable amounting to the sum of One thousand four hundred and ninety-seven pounds three shillings and four pence.

(iii) To pay all rates and taxes and charges in respect of Church lands and buildings in the said Parish so far as the same be not paid by the Churchwardens of such Parish.

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- (iv) Any balance to be paid to the Churchwardens for the time being of St. James Smithfield for Parish purposes.
- (b) As to the balance of the said proceeds of sale to be paid to the Churchwardens for the time being of St. James Smithfield who shall apply the same in and towards the re-building extension of provision of sanitation and drainage for and renovation of the existing Rectory erected on part of the said Church site, the extension and completion of and the provision of sanitation and drainage for a modern kindergarten hall erected on part of the said Church site, the completion and extension of the provisions of sanitation and drainage for and the renovation of the existing Parish Hall erected on part of the said Church site, the restoration renovation and maintenance of and provision of drainage for and the improvement of the existing Church erected on part of the said Church site and also towards the provision of permanent improvements to the disused cemetery on part of the said Church site.

5. This Ordinance may be cited as "St. James Smithfield Vesting and Land Sale Ordinance 1961."

FIRST SCHEDULE.

All that parcel of land situated at Prospect in the District of Cabramatta in the Colony aforesaid being Lots ten and eleven of Section number twenty of the Village of Smithfield commencing in Albert Street at the North East corner of Lot twelve and bounded on the North by Albert Street, on the East by Allotment number six, on the South by Lots four and five and on the West by Lot twelve to the commencing point.

SECOND SCHEDULE.

All that piece of land containing 22½ perches being part of Lot 10 Section 20 of the Village of Smithfield and being Lot "A" on a plan signed by Mr. Surveyor W. R. Hardy dated 22/11/60 situated at Smithfield in the Municipality of Fairfield Parish of St. Luke County of Cumberland and State of New South

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Wales COMMENCING at a point on the Southern alignment of The Horsley Drive bearing 90 degrees 49 minutes 30 seconds and distant 279' 0" from the intersection of the Southern alignment of The Horsley Drive with the Eastern alignment of Justin Street and bounded thence on the North by part of the Southern alignment of The Horsley Drive being a line bearing 90 degrees 49 minutes 30 seconds for 51' 0" thence on the East by part of the Western boundary of Lot 6 Section 20 of the Village of Smithfield being a line bearing 179 degrees 59 minutes 20 seconds for 120' 0" thence on the South by a Northern boundary of Lot B on above mentioned plan dated 22/11/60 being a line bearing 270 degrees 49 minutes 30 seconds for 51' 0" and thence on the West by an Eastern boundary of said Lot "B" being a line bearing 359 degrees 59 minutes 20 seconds for 120' 0" to the point of commencement TOGETHER WITH a Right of Way 10' 0" wide over adjoining Lot "B" along the Western boundary of subject Lot "A" for 120' 0" from The Horsley Drive.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of October, 1961.

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 twenty-fifth day of September, 1961.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

30/10/61.