

AN ORDINANCE to authorise the sale of land situated in the Town of Parramatta North Parish of Field of Mars County of Cumberland and to provide for the application of the proceeds thereof and to vary the trusts of certain other lands situated as aforesaid.

WHEREAS by Deed Poll or Grant from the Crown dated the twenty-first day of July 1859 All that piece or parcel of land containing two roods six perches more or less situated in the County of Cumberland Parish of Field of Mars and Town of Parramatta North (which is identical with the land described in the First Schedule hereto) was granted by her late Majesty Queen Victoria unto Charles Wray Finch William Tindall and the Reverend William Francis Gore and to their heirs and assigns upon trust for the erection thereon of a school house in connection with the United Church of England and Ireland as by law established and for no other purposes whatsoever on condition that the said Grantees their heirs and assigns did conform to the Government Regulations for the time being and to the Laws and Regulations then or hereafter in force for the better regulating the alignment of streets in the said Territory so far as the same might be applicable AND WHEREAS by Deed of Consent dated the twenty-fourth day of February One thousand eight hundred and eighty-eight under the hand and seal of Alfred Barry Bishop of the Diocese of Sydney He the said Alfred Barry did thereby consent that the property mentioned in the Schedule thereto (which is identical with the land described in the First Schedule hereto) should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney (thereinafter called Trustees and hereinafter called the Church Property Trust) its successors and assigns subject to the trusts in the hereinbefore recited Grant expressed and contained or so much of the same as was then subsisting undetermined and capable of taking effect AND WHEREAS by Indenture of Conveyance dated the third day of November One thousand eight hundred and seventy-three Registered No. 611 Book 140 made between Anne Hassall (therein described) of the first part Sir Charles Cooper (therein described) of the second

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part George Fairfowl Macarthur (therein described) of the third part Reverend John Roe Blomfield Patrick McKay and William Goodin (all therein described and thereafter called Trustees) of the fourth part the land described in the Second Schedule hereto was for the consideration therein mentioned appointed granted bargained sold aliened released and confirmed unto the said Trustees their heirs and assigns to hold the said land hereditaments and premises thereby appointed released and assured or intended so to be unto the said Trustees and the survivors and survivor of them their heirs and assigns upon trust to hold the same for the site of a dwelling house with a garden and other appurtenances thereto and suffer such dwelling house and premises to be erected and built thereon for the use occupation and benefit of the Minister for the time being duly licensed by the Bishop of Sydney in the Church called and known as the Church of All Saints at Parramatta. AND UPON THE TRUSTS and subject to the provisions of the Acts of the Governor and Legislative Council of New South Wales Eighth William the Fourth Number Five AND WHEREAS by Commission dated 25th May 1888 under the hand and seal of the Lord Bishop of Sydney in accordance with the Act Eight William Fourth Edwin Godson of Parramatta and Frederick Allen Shepherd Bowden of Newlands Parramatta were appointed Trustees of the lands in the lastly before recited Indenture of Conveyance in the place and stead of the said Patrick McKay who had resigned from the said trusts and the said William Goodin who had died AND WHEREAS by Deed of Appointment of the 25th September 1894 under the hand and seal of the Archbishop of Sydney Thomas Moxham of Parramatta was appointed a Trustee of the lands comprised in the said Conveyance in the place and stead of the Reverend John Roe Blomfield who had died AND WHEREAS by Deed of Appointment of the 10th June 1902 George Henry Horwood of Parramatta North Coach Builder was appointed a Trustee of the lands comprised in the said Conveyance in the place and stead of the said Frederick Allen Shepherd Bowden who had died AND WHEREAS the said Edwin Godson died on the twenty-fourth day of May 1919 and the said Thomas Moxham died on the eleventh day of January 1916 so that the said lands are now vested in the said George Henry Horwood now of Pennant Hills Road Parramatta as surviving Trustee

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AND WHEREAS it has become desirable and expedient to make provision for the erection on part of the land described in the Second Schedule hereto of a Parish Hall for the purposes of the said Parish AND WHEREAS it is expedient to remove both or either of the buildings erected on the said land and to use the materials of such buildings or part thereof towards the erection of another building on part of the land comprised in the Second Schedule hereto or to sell the said materials or part thereof and to use the proceeds of such sale for or towards the purposes hereinafter provided AND WHEREAS for the purposes of providing money for the erection of such Parish Hall as aforesaid it is expedient to sell the lands described in the First Schedule hereto and to apply the moneys so raised by such sale in manner hereinafter provided. NOW 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 Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purposes of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to 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 the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to sell the lands described in the First Schedule hereto.

2. Both or either of the buildings erected on the said land may be removed and the materials of such buildings or part thereof may be used towards the erection of another building on part of the land comprised in the Second Schedule hereto or such materials or part thereof may be sold and the proceeds of such sale used for the purposes hereinafter provided and subject thereto the lands described in the First Schedule hereto may be sold by public auction or by private contract either in one lot or several lots at such time or times at such price or prices and upon such terms and conditions as the Church

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Property Trust may deem expedient freed from such trusts as aforesaid.

3. The proceeds arising from the sale or sales as aforesaid after payment thereof of all rates taxes and other outgoings and the costs charges expenses of and incidental to this Ordinance and the transfer of the said parcel of land as aforesaid shall be applied in payment of 2½ per cent. thereof to the Treasurer of the Church Buildings Loan Fund for use in aid of the objects of the said Fund and the balance towards the erection of the new Parish Hall on part of the land described in the Second Schedule hereto.

4. By reason of circumstances subsequent to the creation of the said recited Trusts it has become inexpedient to carry out or observe the trusts aforesaid in so far as the same apply to the land described in the Second Schedule hereto in their entirety and it has become expedient to erect a Parish Hall and another building for the purposes of the said Parish on the land described in the Third Schedule being part of the land described in the Second Schedule hereto.

5. So much of the land described in the Second Schedule hereto as is comprised in the Third Schedule hereto may be used freed from the Trusts aforesaid as a site for the erection of the said Parish Hall and other building to be used for School (including Sunday School) purposes.

6. This Ordinance shall be styled and cited as the "All Saints Parramatta Land Sale and Variation of Trust Ordinance 1925."

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**THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.**

All that piece or parcel of land situated in the County of Cumberland and Parish of Field of Mars Town of Parramatta North allotments numbers Eight and Nine of Section Twenty-three Commencing on the South side of Albert Street at the North-East corner of allotment number Ten or S. Hill's allotment of the same section and bounded on the North by Albert Street bearing Easterly Two chains and twenty-eight links to

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Sorrell Street; on the East by Sorrell Street bearing Southerly Two chains and thirty-seven and one half links; on the South by a line parallel to Albert Street bearing Westerly Two chains and twenty-six links dividing it from the Church of England Parsonage allotment; and on the West by a line dividing it from a portion of Number Five, and from allotment Number Ten bearing Northerly Two chains and thirty-seven and one half links to Albert Street at the point of commencement.

SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that allotment or parcel of land situate in the Parish of Field of Mars in the County of Cumberland in the Territory (now State) of New South Wales being lot six of the Newlands Estate containing two acres two roods ten perches more or less bounded on the East by Elizabeth Street commencing on the South-East corner of an allotment now appropriated for a Church at a point three hundred and seventeen and three quarter links from Pennant Street bearing South three degrees fifteen minutes West two hundred and ninety and a quarter links to lot seven purchased by Mr. Robert Campbell on the South by that lot bearing West three degrees fifteen minutes North six hundred and seventy-eight links to the Creek on the West by that Creek to the South-West corner of lot One purchased by Mr. Charles Marsden and on the North by lots one two three four five and the aforesaid Church allotment bearing East three degrees fifteen minutes South nine chains seventy-three links to the point of commencement which said hereditaments are part of 112 acres of land granted to Samuel Marsden by Letters Patent dated the first day of November 1822.

THIRD SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate lying and being in the Municipality of Parramatta (North) Parish of Field of Mars County of Cumberland and State of New South Wales being part of Lot Six of the Newlands Estate Commencing at a point on the Western side of Elizabeth Street being the South-Eastern corner of the said Lot Six and bounded thence on the South by part of the Southern boundary of the aforesaid Lot Six being a

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fenced line bearing Westerly for one hundred and seventy-two feet three inches thence on the West by a line bearing Northerly for seventy-one feet one and a half inches thence on the North by a fenced line bearing Easterly for one hundred and seventy-two feet three inches to the said Elizabeth Street and thence on the East by the said Elizabeth Street bearing Southerly for sixty-nine feet nine inches to the point of commencement.

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

W. J. G. MANN,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twentieth day of June, 1925.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd July, 1925.