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*Lithgow Land Sale.*

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3/1907

AN ORDINANCE to authorise the sale of certain land and premises situated fronting Naomi Street Lithgow upon part of which land St. Paul's Church Lithgow is erected and to provide for the application of the proceeds thereof.

*(Assented to 27 September, 1907.)*

WHEREAS by Memorandum of Transfer dated the twenty-first day of February one thousand eight hundred and eighty the land described in the Schedule hereto being the land comprised in Certificate of Title registered Volume 490 Folio 173 was transferred to the Right Reverend Frederic Barker the then Bishop of Sydney and his successors Bishops of Sydney. And whereas by Deed Poll or Declaration of Trust dated the fourth day of March one thousand eight hundred and eighty the said Bishop of Sydney declared that the said land and premises were held upon trust for the erection thereon of a Church for the use of the Members of the Church of England at Lithgow and for the support and maintenance of the said Church and for no other purpose whatsoever And whereas the Church building known as St. Paul's Lithgow has been erected and maintained upon the said land in conformity with the said trust. And whereas the said land and Church building thereon have become unsuitable for further use for the purpose to which by the said recited Declaration of Trust the same are devoted And whereas it is expedient that the said land Church building and hereditaments should be sold and that the proceeds thereof should be applied in manner hereinafter provided The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by

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the Church of England Property Act of 1889 ordains declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the said recited trust it has become inexpedient to carry out or observe the particular purpose to which the land described in the Schedule hereto with the Church Building thereon is by the said trust devoted.

2. The said land with the building thereon may at any time hereafter be absolutely sold and disposed of freed from any trust existing in respect of the same either in one lot or in parcels and either by public auction or by private contract at such price or prices and subject to such stipulations or conditions as the Trustee may deem proper with power to the Trustee to buy in at any sale by auction and to rescind or vary any contract for sale and to enter into any new contract for sale of the said land with the building thereon and for any of the purposes aforesaid to sign and execute and do all such contracts transfers assurances and things as the Trustee shall think fit.

3 The proceeds of any such sale or sales shall be paid to the Trustee and such proceeds (after payment thereof of the expenses of and incidental to this Ordinance and the sale or sales and transfer of the said land in pursuance thereof) shall be applied towards the erection of a Church building in connection with the Church of England upon certain land situated fronting Roy Street and Railway Parade Lithgow or upon such other suitable site in the said Parish as the Trustee may determine.

4. Upon any sale or sales made in pursuance of this Ordinance the receipt of the Trustee for the purchase money shall effectually discharge the purchaser or purchasers from being concerned to see to the application

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thereof or being answerable for the loss or misapplication thereof.

5. Any part of the said proceeds not immediately required to be applied as aforesaid may be invested in the name of the Trustee in any Public Funds or Government Securities or on Mortgage of Freehold properties in any part of New South Wales and pending such investment may be deposited at interest with the Savings' Bank of New South Wales or with any Government Savings' Bank or with any Joint Stock Company or Corporation carrying on the business of Bankers in Sydney.

6. For the purposes of this Ordinance the word "Trustee" whenever the same occurs shall be taken to mean the Archbishop of Sydney or his Commissary or the Guardian of the Spiritualities during a vacancy of the See or other the Trustee or Trustees for the time being of the land described in the Schedule hereto.

7. This Ordinance shall be styled and cited as "The St. Paul's Lithgow Land Sale Ordinance of 1907."

THE SCHEDULE HEREINBEFORE REFERRED TO.

That piece of land situated at Lithgow Valley in the Parish of Marangaroo County of Cook and State of New South Wales containing thirty-six and a quarter perches or thereabouts being Lots five and six of section B on a plan deposited in the Land Titles Office Sydney numbered 360 having a frontage of one hundred feet to the East side of Naomi Street, Lithgow, by a depth of ninety-nine feet being the whole of the land comprised in Certificate of Title dated thirtieth March one thousand eight hundred and eighty Registered Volume 490 Folio 173

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