
*St. Jude's Dural Vesting Variation of Trusts and Land Sale
Ordinance 1972*

No. 1, 1972

AN ORDINANCE to vest certain land at Old North Road (now known as Derriwong Lane) Dural in Church of England Property Trust Diocese of Sydney, to authorise the sale of the same and to vary the trusts upon which the proceeds are held.

WHEREAS by Indenture of Conveyance made the 28th day of July, 1862 between Thomas Williams of the one part and The Bishop of Sydney of the other part and Registered Number 320 Book 88 the land described in the Schedule hereto was conveyed unto the said Bishop and his successors forever upon trust for a cemetery and burial place for the dead bodies of the Christian residents in and about the parish or district of Castle Hill AND WHEREAS the said land is now situated within the Parish of St. Jude Dural AND WHEREAS the said land is church trust property held for purposes within the Parishes of St. Jude Dural and St. Paul Castle Hill AND WHEREAS the said land has never been used as a burial ground AND WHEREAS by reason of the situation of the said land and by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is now expedient that the said land be sold and the proceeds applied as hereinafter set forth AND WHEREAS it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") AND WHEREAS a majority of the Parish Council of the Parish of St. Paul Castle Hill have consented in writing to this Ordinance NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. The land described in the Schedule hereto be and 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 said land is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and that the proceeds be held upon the trusts hereinafter set forth in relation to the same.

3. The Corporate Trustee is hereby empowered to sell the said land by public auction or private contract at such time or times and at

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such price and upon such terms and conditions as the Corporate Trustee determines freed from the trusts upon which it is now held.

4. The proceeds arising from the sale or sales of the said land after paying thereout the costs of and incidental to this Ordinance and any application which may be made to bring the title to the said land under the provisions of the Real Property Act 1900 as amended and of the sale or sales and conveyance or conveyances and transfer or transfers in pursuance of this Ordinance and all outgoings to which the said land may be subject shall be paid to the Churchwardens of St. Jude's Church Dural and applied towards the cost of erection or purchase of a new rectory within the Parish of St. Jude Dural.

5. This Ordinance may be cited as "St. Jude's Dural Vesting Variation of Trusts and Land Sale Ordinance 1972".

SCHEDULE

ALL THAT piece or parcel of land (being portion of the Grant dated 22nd of December, 1836 by the Crown, of one hundred acres in the Parish of Castle Hill to Thomas Williams) containing 1 acre or thereabouts and bounded on the South-east by the Old North Road (now known as Derriwong Lane) from Sydney to Wiseman's Ferry two chains sixteen links; on the South-west by the other portion of Thomas Williams' one hundred acres being a line running parallel with the line described as the line bearing "East twenty-five degrees South" three chains and seventy-five links; on the North-west by a line running parallel with the Old North Road two chains sixteen links; on the North-east by a line bearing East twenty-five degrees South three chains seventy-five links and dividing the said one acre of land from the land conveyed by the said Thomas Williams to the Wesleyan Methodist Society.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

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I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of February, 1972.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

28/2/1972.