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*St. Philip's Auburn Sale Ordinance 1950*

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No. 24, 1950.

AN ORDINANCE to authorise the sale of certain land situate at the corner of Sutherland Street and Egerton Street, Silverwater, Municipality of Auburn and to provide for the application of the proceeds thereof

WHEREAS by Indenture or Deed of Conveyance bearing date the twenty-third day of December in the year of Our Lord One thousand eight hundred and ninety six made between The National Bank of Australasia Limited a Company incorporated under the provisions of the Companies Act of the State of Victoria, therein designated "the said Corporation" of the first part The Land Company of Australasia Limited a Company incorporated under the provisions of the Companies Act of the State of New South Wales thereafter designated "the said Company" of the second part Robert Fisher James Robertson and Frank Nelson Yarwood all of Sydney Liquidators of the said Company of the third part and Joseph Ibbott of Silverwater in the said State Engine Driver Robert Cheetham of Silverwater aforesaid Engineer and Robert Edwards of Silverwater aforesaid Tanner therein and thereafter designated "the said purchasers" of the fourth part Registered No. 785 Book 591 the land described in the Schedule hereto was granted bargained sold enfeoffed released and confirmed unto the said purchasers and their heirs as joint tenants. AND WHEREAS by Declaration of Trust made the twenty-third day of December One thousand nine hundred and two (signed by the said Robert Cheetham and Robert Edwards only) the said Joseph Ibbott Robert Cheetham and Robert Edwards did declare that they were trustees of the said land and that they held the same upon trust for the maintenance thereon of a church or other building to be used for the purpose of Divine Worship in accordance with the rites and usage of the Church of England subject to the Regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first mentioned Ordinance. AND WHEREAS by Deed of Consent of Trustees dated the first day of September One thousand nine hundred and five the said Robert Cheetham and Robert Edwards being the majority of the said Trustees did and each of them did thereby consent that the said land should forthwith become and be vested in the

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Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") their successors and assigns subject nevertheless to the trusts in the said Declaration of Trust expressed or contained or to so much of the same still subsisting undetermined and capable of taking effect AND WHEREAS the said land is Church Trust Property and is held by the Corporate Trustees for the sole benefit of the Parish of St. Philip's Auburn. AND WHEREAS by reason of circumstances subsequent to the creation of the said Trusts it has become inexpedient to carry out and observe such trusts. And it is expedient to sell the said land and to deal with the proceeds in manner hereinafter contained. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said trusts it has become expedient to sell the land comprised in the Schedule hereto.

2. The said Corporate Trustees may from time to time sell the said land or any portion or portions thereof by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Corporate Trustees may deem expedient free from such trusts as aforesaid.

3. The said Corporate Trustees are hereby authorised and empowered to execute the deed or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or sales or other dealing matter or thing authorised by this Ordinance.

4. The proceeds of any such sale or sales shall stand charged with the payment of all outgoing properly chargeable against the said land and all costs charges or expenses of and incidental to this Ordinance and the said sale or sales and subject thereto the balance shall be applied by the Corporate Trustees in discharging in whole or part the debt owing upon the Rectory belonging to the said Parish of St. Philip's Auburn and thereafter the balance if any shall be paid to the Churchwardens for the time being of the said Parish whose receipt shall be a sufficient discharge therefor to be used by them in repairing the Kindergarten Hall belonging to the said Parish.

5. This Ordinance may be styled or cited as "St. Philip's Auburn Sale Ordinance 1950."

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THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated at Silverwater Municipality of Auburn Parish of St. John County of Cumberland State of New South Wales and being Lots 32 and 33 Section 22A of the Silver Water Estate commencing at the intersection of the Western boundary of Sutherland Street with the south-western boundary of Egerton Street and bounded thence by part of the South Western boundary of the last mentioned street bearing North Westerly 109 feet 2 inches to Lot 31 thence by part of the South Eastern boundary of that Lot bearing South Westerly 43 feet to Lot 34 thence by the North Eastern boundary of that Lot bearing South Easterly 121 feet 2 inches to Sutherland Street and thence by part of the Western boundary of that street bearing Northerly 44 feet 7 inches to the point of commencement.

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

W. G. HILLIARD, Bishop,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 30th day of October, 1950.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

2/11/1950