
*St. Thomas' North Kingston Vesting and Sale
Ordinance 1967*

No. 10, 1967.

AN ORDINANCE to vest certain land at North Kingston in the City of Sydney in Church of England Property Trust, Diocese of Sydney to authorise the sale of such land and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated 12th September 1892 made between John Charles Vermeesch of the first part John Charles Vermeesch of the second part Leopold Vermeesch of the third part Adolph Vermeesch of the fourth part Emille Vermeesch of the fifth part Alfred Hynard and Caroline Hynard of the sixth part William Farnsworth and Henrietta Farnsworth of the seventh part and Robert Taylor, Edmund William Molesworth, Francis Lindsay Barker, and William John Jordan (therein called purchasers) of the eighth part Registered No. 821 Book 500 the land described in the first Schedule hereto was conveyed unto the said purchasers as joint tenants AND WHEREAS pursuant to two subsequent Indentures of Conveyance dated 10th November 1898 Registered No. 452 Book 631 and 21st December 1908 Registered No. 413 Book 873 respectively the said land became vested in Edmund William Molesworth, Percy Ewenton Atterbury Whitehead, William Leslie Langley and Richard Barzillai Trindall AND WHEREAS the said persons held the said land as Trustees for the Church of England in the Parish of St. Stephen Newtown at North Kingston but no trusts in writing concerning the same can be found AND WHEREAS the said Percy Ewenton Atterbury Whitehead is the sole survivor of such trustees and has consented to the vesting of the land in the Corporate Trustee AND WHEREAS part of the said land has been acquired for and now forms part of Trade Street and there is erected on the residue the Church of St. Thomas AND WHEREAS by Indenture of Conveyance dated 19th May 1892 between Thomas Rowley Briggs, Eliza Jane Cashman, Frederick Matthew Dalrymple, Isabella Dalrymple and Frederick Henderson Briggs of the one part and Robert Taylor, Francis Lindsay Barker, Edmund William Molesworth and William John Jordan (therein called purchasers) of the other part registered No. 890 Book 510 the land described in the second Schedule was conveyed to the said purchasers as joint tenants AND WHEREAS the said purchasers are the same persons referred to in the hereinbefore recited Conveyance Registered No. 821 Book 500 AND WHEREAS the said land is also Church Trust Property held for the sole benefit of the Parish of St. Stephen Newtown in connection with the Church of St. Thomas North Kingston but no trusts in

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writing" can be found concerning the same AND WHEREAS it is expedient that the said land be also vested in the Corporate Trustee AND WHEREAS the land described in the first and second Schedules adjoining the one with the other and in consequence of the widening of Trade Street as aforesaid are now more correctly described as consolidated in the description contained in the third Schedule hereto AND WHEREAS by reason of the decrease in the number of members of the Church of England residing in the neighbourhood of the said church the same has not been used for Divine Worship since the month of July 1960 and by reason thereof and of other circumstances which have since occurred it has become inexpedient to continue to use the same as a Church in connection with the Church of England and it is expedient that the said church and the land described in the third Schedule be also sold and the proceeds applied as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND ORDAINS as follows:-

1. That the land described in the third Schedule hereto be and the same is hereby vested in the Corporate Trustee.

2. By reason of circumstances which have arisen subsequent to the trusts upon which the land described in the third Schedule hereto and the church of St. Thomas North Kingston erected thereon is held it is inexpedient to carry out and observe such trusts and it is expedient that the said land and church be sold.

3. The Corporate Trustee is hereby authorised to sell the land described in the third schedule at such time at such price and upon such terms and conditions as it shall think fit freed from the said trusts.

4. The proceeds arising from the sale of the said land and building shall after paying thereout all outgoings to which it may be subject and the expenses of and incidental to this Ordinance and the sale and conveyance in pursuance thereof be applied in manner following that is to say:-

Firstly:- Towards repayments of the balance owing in respect of the debt on St. Stephen's Newtown Parish Hall.

Secondly:- Towards the reimbursement of any moneys provided by or on behalf of the Diocese for payment of the debt on the said Parish Hall. And thereafter any balance shall be invested by the Corporate Trustee in accordance with the provisions of the Invest-

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ment of Church Trust Property Ordinance or any amendment thereof and the income paid from time to time to the Churchwardens of the Parish of St. Stephen Newtown for general parochial purposes.

5. This Ordinance may be cited as "St. Thomas' North Kingston Vesting and Sale Ordinance 1967."

FIRST SCHEDULE

All that piece or parcel of land part of the Kingston Estate in the Parish of Petersham and County of Cumberland being Lots One hundred and seventy four One hundred and seventy five and One hundred and seventy six of Section Three commencing at a point on the north side of Trade Street at its intersection with the west side of St. Mary's Street and bounded on the east by last named Street bearing north three degrees east one hundred and fifteen feet six inches on the north by a line bearing west three degrees north eighty seven feet to a fence on the west by said fence bearing southerly One hundred and twenty one feet six inches to Trade Street and on the south by the north side of Trade Street bearing easterly to the point of commencement.

SECOND SCHEDULE

All that piece or parcel of land situated in the Borough of Newtown in the Parish of Petersham County of Cumberland and Colony of New South Wales be the hereinafter mentioned several dimensions a little more or less forming part of the West Kingston Estate and being a strip of land one foot wide adjoining the western boundaries of Lots One hundred and seventy four and one hundred and seventy five of Section Three of the Kingston Estate commencing at the south western corner of Lot One hundred and seventy three of Section Three of the Kingston Estate aforesaid and bounded thence towards the east by the western boundaries of Lots One hundred and seventy four and one hundred and seventy five bearing southerly about one hundred and twenty one feet six inches to the south western corner of said Lot One hundred and seventy five on the northern side of Trade Street thence towards the south by part of the northern side of Trade Street bearing westerly one foot thence towards the west by a line partly forming an eastern side of Trade Street and partly the eastern side of a lane twenty feet wide dividing the land herein described from Lot One of Section A of the West Kingston Estate bearing northerly in all about One hundred and twenty one feet six inches to a point opposite the south western

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corner of Lot one hundred and seventy three of Section three of the Kingston Estate aforesaid and thence towards the north by a line easterly one foot to that commencing point.

THIRD SCHEDULE

All that piece or parcel of land situate in the City of Sydney, Parish of Petersham, County of Cumberland and State of New South Wales being Lot 174 and part of Lots 175 and 176 of Section 3 of the Kingston Estate together with a strip of land one foot wide adjoining the western boundary of Lot 174 and part of the western boundary of Lot 175 of Section 3 of the aforesaid Estate COMMENCING at a point on the northern side of Trade Street at the intersection of that side of that Street with the western side of St. Mary's Street and bounded on the south by part of the northern side of Trade Street aforesaid bearing 268 degrees 43 minutes 86 feet 6 inches to the intersection of that side of that Street with the eastern side of St. Mary's Lane and thence on the west by part of that side of that Lane bearing 1 degree 44 minutes 89 feet 6 inches to a point being the intersection of the eastern side of St. Mary's Lane aforesaid with the production westerly of the southern boundary of the land comprised in Real Property Application No. 9350 thence on the north partly by a line and partly by the southern boundary of that Application bearing 93 degrees 39 minutes 20 seconds 89 feet 3 inches to the western side of St. Mary's Street thence on the east by part of that side of that Street bearing 183 degrees 43 minutes 82 feet to the point of commencement: - having an area of 27½ perches or thereabouts.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 1st day of May, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

1/5/1967

MARCUS LOANE,
Archbishop of Sydney.