

Surry Hills Land Sale.

211890

AN ORDINANCE to authorise the sale of certain Church land situate in Fitzroy and Foveaux Streets Surry Hills in the City of Sydney in the Colony of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 17 November, 1890.)

WHEREAS by Indenture of Conveyance dated the ninth day of July one thousand eight hundred and fifty seven and made between James Robert Harrison and John Arkins of the one part and The Reverend Hulton Smyth King and Henry Lumsdaine of the other part the land firstly described in the Schedule hereto was for valuable consideration conveyed unto and to the use of the said Hulton Smyth King and Henry Lumsdaine their heirs and assigns for ever And whereas by Indenture of Conveyance dated the twenty fourth day of December one thousand eight hundred and sixty three and made between Terence Aubrey Murray and Stewart Majoribanks Mowle of the one part and the said Hulton Smyth King and Henry Lumsdaine of the other part the land lastly described in the Schedule hereto was for valuable consideration conveyed unto and to the use of the said Hulton Smyth King and Henry Lumsdaine their heirs and assigns for ever And whereas the said lands were purchased by the said Hulton Smyth King and Henry Lumsdaine upon trust for the erection thereon of a School House in connection with St. Michael's Church of England Church Surry Hills aforesaid and a School House was erected thereon in conformity with the said trust And whereas the said Reverend Hulton Smyth King and Henry Lumsdaine acting under the provisions of the "Church of England Trust Property Incorporation Act 1881" by two several Deeds bearing date respectively the fifteenth day of January one thousand eight hundred and ninety. vested the said

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lands in the "Church of England Property Trust Diocese of Sydney" And whereas by reason of circumstances which have occurred since the creation of the said trust it has become inexpedient to carry out or observe the particular purposes to which the said lands are by such trust devoted And whereas it is expedient that the said lands 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 United Church of England and Ireland within the Colony of New South Wales and of all powers vested in the said Synod by the "Sydney Bishopric and Church Property Act 1887" and by the "Church of England Property Act 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 or purposes to which the said lands are by the said trust devoted.

2. The said lands shall be sold by public auction or private contract and either in one lot or in several lots and for such price or prices and upon such terms and conditions as the Incumbent and Churchwardens for the time being of St. Michael's Church of England Church Surry Hills aforesaid may deem expedient subject to the approval of the Church of England Property Trust Diocese of Sydney freed from such trust as aforesaid.

3. The proceeds arising from the said sale shall be applied (after payment thereof of the expenses of and incidental to this Ordinance and the said sale and the conveyance of the said lands in pursuance thereof) in or towards the payment of the purchase money of a site for a School House in Albion Street Surry Hills aforesaid adjoining St. Michael's Church of England Church

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and Parsonage Surry Hills aforesaid (such lands to be vested in the "Church of England Property Trust Diocese of Sydney") and in and towards the payment of all legal and other expenses connected with such purchase and the residue (if any) of the said proceeds shall be applied in or towards the erection on the said site of a School House in connection with St. Michael's Church of England Church Surry Hills aforesaid.

4. Any part of the said proceeds not immediately required to be applied as aforesaid may be invested by the Corporate body of Trustees appointed for the Diocese of Sydney under the "Church of England Trust Property Incorporation Act of 1881," (who are hereby appointed to receive the said proceeds from the purchaser or purchasers) at interest with any Joint Stock Company carrying on the business of Bankers in Sydney and the interest arising from such shall be dealt with and applied in the manner hereinbefore prescribed with regard to the said proceeds.

5. This Ordinance shall be styled and cited as "The St. Michael's Surry Hills School Land Sale Ordinance of 1890."

[SCHEDULE]

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SCHEDULE.

1. All that parcel of land situate in Sydney in the Colony of New South Wales being part of Block B seventeen of that part of the Riley Estate known as the Surry Hills Estate bounded on the South by Foveaux Street commencing at the intersection of the Northern side thereof with the Western side of the lane sixteen feet wide running in the rear of allotments fronting Bourke Street and bearing Westerly forty feet on the South West by a line bearing North one degree East forty nine feet five inches then by a line bearing South twenty degrees West forty six feet three inches to Fitzroy Street on the North by Fitzroy Street bearing East twenty degrees South forty feet to its intersection with the beforementioned lane and on the East by that lane bearing South twenty degrees West thirty nine feet two inches then South one degree West thirty eight feet six inches to the point of commencement.

2. Also all that parcel of land situate as aforesaid being part of Block B seventeen of that part of the Riley Estate known as the Surry Hills Estate bounded on the South by Foveaux Street commencing at a point on the Northern side thereof distant forty feet Westerly from its intersection with the Western side of a lane sixteen feet wide running in the rear of allotments fronting Bourke street and bearing Westerly forty feet on the West by a line bearing Northerly at a right angle to Foveaux Street fifty two feet three inches then by a line bearing North Easterly at a right angle to Fitzroy Street fifty one feet three inches to the Southern side of Fitzroy Street on the North by Fitzroy Street bearing Southerly forty feet and on the East by land conveyed to Hulton Smyth King and Henry Lumsdaine by John Arkins and James Robert Harrison.