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*St. Stephen's Penrith Sale Ordinance 1950.*

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No. 36, 1950.

AN ORDINANCE to authorise the sale of certain land in the Parish of St. Stephen the Martyr, Penrith, and for the application of the purchase money.

WHEREAS:—

1. (a) By Indentures of Release No. 502 Book 60 made respectively on the 14th and 15th days of November, 1844, between Phillip Parker King of the one part and Robert Copland Lethbridge and others, Trustees duly nominated and appointed according to the provisions of a certain Act of the Governor in Council of the Colony of New South Wales being the third of the seventh year of the reign of His late Majesty King William the Fourth and entitled "An Act to Promote the building of Churches and Chapels and to provide for the Ministers of Religion in New South Wales" of the other part the said Phillip Parker King did grant bargain sell alien release and confirm unto the said Robert Copland Lethbridge and others their heirs and assigns all that piece or parcel of ground situate at the south west side of a Grant to the said Phillip Parker King called Saint Stephens in the Parish of Castlereagh containing by admeasurement forty acres more or less bounded on the east by a line north one hundred and twenty-four rods and a half, beginning at the north east corner of the four acres wherein the Parsonage stands. on the north by a line west twenty-eight rods, dividing the same from other lands the property of the said Phillip Parker King, on the west by a line south west, one hundred and twenty-three rods, on the south by a line east eighty-two rods, then again on the west by a line south thirty-eight rods, dividing it from land the property of Mrs. Jane MacHenry and on the south again by a line east twenty-five rods, being the north boundary of the Parsonage four acres to for and upon the several trusts uses intents and purposes by the said Act declared and for the execution of the powers in them by the said Act vested and for such future uses trusts intents and purposes as the Governor and Council shall from time to time lawfully limit and appoint.

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- (b) By Deed Poll of Consent dated the 7th day of March 1884 executed under the hand and seal of John King Lethbridge therein described after reciting that the land described in the Schedule thereto (being the land described in the said Indenture of 15th November, 1884) belong to or was vested in the said John King Lethbridge as trustee for the United Church of England and Ireland in New South Wales upon the trusts expressed and contained in the said Indenture it was witnessed that he the said John King Lethbridge did thereby consent that the said property mentioned in the said Schedule thereto should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) their successors and assigns subject as mentioned in the said Indenture.
- (c) The Corporate Trust has held the land comprised in the said Indentures on the hereinbefore recited trusts for the benefit of the Parish of Saint Stephen the Martyr, Penrith.

2. The Commonwealth of Australia has offered to buy that portion of the land comprised in the said Indentures which is described in the Schedule hereto (hereinafter called "the said land").

3. The said Church requires extensive repairs and renovations.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts of the said land:—

(a) It is expedient that such land be sold;

(b) It has become impossible or inexpedient to carry out the trusts of the purchase money to the extent to which such trusts are inconsistent with the provisions of this Ordinance.

2. The said land may be sold to the Commonwealth of Australia at a price to be fixed by the Corporate Trust.

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3. (1) The purchase money after payment thereof of the costs charges and expenses of and incidental to this Ordinance and the said sale shall be held on the trusts hereinafter provided.
- (2) The whole or part of the said purchase money may be paid by the Corporate Trust to the Churchwardens of the said Parish and applied by them in carrying out repairs and renovations to the Church of St. Stephen the Martyr, Penrith.

4. The said Churchwardens shall pay to the Corporate Trust out of the Parochial Church funds of which they have the charge and administration in accordance with the Sydney Church Ordinance 1912 the amount so applied by annual instalments of £50 and interest on the amount for the time being unpaid at the rate of three and one eighth per centum per annum provided that the Standing Committee may from time to time vary the amount of the instalments and the rate of interest.

The said parochial Church funds shall be charged with such instalments and interest.

5. Subject as aforesaid the purchase money and instalments shall be invested in accordance with the Investment of Church Trust Property Ordinance 1944 and the income from such investments and the interest paid in accordance with Clause 4 hereof shall be paid to the Churchwardens to be applied by them in accordance with the trusts of the land comprised in the said Indentures.

6. The receipt of the said Churchwardens shall be a sufficient discharge for any moneys paid to them in pursuance of this Ordinance.

7. This Ordinance may be called the "St. Stephen's Penrith Sale Ordinance 1950."

#### THE SCHEDULE.

All that piece or parcel of land situate at Penrith and containing an area of 23 acres 1 rood more or less being part of the land described in Indentures of Lease and Release Nos. 502 and 503 Book 60 and being part of Portion 91 of the Parish of

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Castlereagh County of Cumberland State of New South Wales; commencing at the north-eastern corner of Lot 19 of Section G of the Lemon Grove Estate and bounded thence on part of the south by the northern boundaries of Lots 1 to 19 inclusive of Section G aforesaid bearing 268 degrees 39 minutes 20 seconds 1900 links thence on the remainder of the south by a northern boundary of Primary Application 37269 Plan No. 2 bearing 268 degrees 42 minutes 24 seconds 238.6 links thence on the north-west by part of the south-eastern boundaries of Lithograph 7579 bearing 32 degrees 21 minutes 54 seconds 606.3 links 33 degrees 16 minutes 36 seconds 658.6 links and 33 degrees 25 minutes 12 seconds 430.3 links thence on the north and east by lines bearing 88 degrees 39 minutes 20 seconds 1182.6 links and 178 degrees, 39 minutes 20 seconds 1400 links respectively to the point of commencement, the whole of the aforesaid dimensions being a little more or less.

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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 15th day of December, 1950.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

20/12/1950.