

WINDSOR ORDINANCE 1982No. 48 1982

Anglican AN ORDINANCE to vest certain land in ~~the~~ Church of England Property Trust Diocese of Sydney to authorise the sale of certain land and to vary the trusts on which certain land is held. *ms* *W*

WHEREAS

- 5 A. By an instrument dated the 19th day of June, 1843 entered in the Register of Grants of the United Church of England and Ireland No. 65 page 33 the land described in the first schedule hereto (which land is hereinafter called "the church land") was granted to The Right Reverend William Grant Broughton D.D. Bishop of Australia, or the Bishop of Australia for the time being, Samuel North, Francis Beddek, Thomas Tebbutt and John Panton as trustees to be held upon trust for the erection thereon of a church of the United Church of England and Ireland, as by Law Established and also for the site of a Burial Ground in connection with the said church; in conformity with certain Acts named therein and for no other purpose whatsoever.
- 10 B. The church building known as St. Matthew's Church Windsor has been erected on the church land.
- 15 C. The trustees of the church land are ^{presumed} dead. *ms*
- D. It is expedient that the church land be vested in ^{Anglican} Church of England ~~Church of England~~ ^{ms} Property Trust Diocese of Sydney (hereinafter called the "Property Trust").
- 20 E. By an indenture made the 14th day of February, 1878 registered number 414 book 177, between Thomas Primrose of the one part and William Primrose, Thomas Wall, Jonathan Hassall, Stephen Gow and Alfred Jones of the other part, Thomas Primrose conveyed the land described in the second schedule hereto (which land is hereinafter called "the hall land") to William Primrose, Thomas Wall, Jonathan Hassall, Stephen Gow and Alfred Jones upon trust for the erection thereon of a School House in connection with the United Church of England and Ireland as by law *ms*
- 25
25

established and for no other purpose whatsoever.

30 F. The hall land is situated in the town of Windsor in the Parish of Windsor and the building erected thereon has been used as a school house in the Parish of Windsor.


35 G. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the hall land is held it is inexpedient to carry out and observe the same, to the extent that the same are hereby varied, and it is expedient that the hall land be sold.

40 H. The land described in the third schedule hereto was part of a parcel of 8 acres 2 roods (more or less) granted unto the Right Reverend William Grant Broughton D.D. Bishop of Australia or the Bishop of Australia for the time being Francis Beddell Samuel North Thomas Tebbutt and John Panton upon trust for the appropriation thereof as a portion of the Glebe annexed to the Church of the United Church of England and Ireland as by law established erected at Windsor and known as Saint Matthews' in conformity with certain Acts.

45 I. By operation of the St. Matthews' Windsor Sale and Mortgage Ordinance 1937 (hereinafter called "the 1937 Ordinance") the land described in the third schedule hereto was vested in the Property Trust.

50 J. By the 1937 ordinance, the Property Trust was authorised to sell the land described in the third schedule hereto and to apply the proceeds from such sale (inter alia) in restoring renovating and improving the rectory erected on the land described in the fourth schedule hereto (which land is hereinafter called "the rectory land") and other improvements on the rectory land or in discharge of any mortgage granted over the rectory land and to invest any balance in certain modes of investment and to apply the income therefrom by paying to the rector for the time being of St. Matthew's Church Windsor an annual sum of not less than two hundred dollars in so far as such income will extend as an addition to the stipend and to pay the balance of such income to the rector and Churchwardens for the time being of St. Matthew Church Windsor to be applied by them in maintaining repairing renovating and improving St. Matthew's Church and the said rectory.

55
60



K. Pursuant to the 1937 ordinance, Lots 1 to 15 inclusive in F.P. 37952 were sold. The residue of the land described in the third schedule hereto is hereinafter called "the Glebe land".

L. The Glebe land and the rectory land are now lots 16 and 17 in F.P. 37952.

M. By reason of circumstances which have arisen subsequent to the respective trusts on which the Glebe land and the rectory land are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS AND RULES as follows:-

1. Consent is hereby given to the church land vesting in the Property Trust.

2.(1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the hall land is held it is inexpedient to carry out and observe the same, to the extent that the same are hereby varied, and it is expedient that the hall land be sold.

(2) The Property Trust is hereby authorised and empowered to sell the hall land by public auction or private treaty in one or more lots for such price and on and subject to such terms and conditions as, to the Property Trust, may seem appropriate.

(3) The proceeds from the sale of the hall land after payment of all costs in connection with such sale, shall be held by the Property Trust and invested until applied in accordance with this clause and (with all income which may be derived from such investments) shall be applied by the Property Trust in or towards meeting the cost of a new hall and other improvements to be erected on the Glebe land and or alternatively on the rectory land.

3.(1) By reason of circumstances which have arisen since the creation of the respective trusts on which the Glebe land and the rectory land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) The rectory land shall be held upon trust for a rectory in connection with St. Matthew's Church at Windsor but also so as to permit the erection thereon and the use of any of the buildings referred to in

sub-clause (3) of this clause.

(3) It shall be lawful for all or any of the following to be erected on the Glebe land:

a hall,

a house for use by an assistant minister,

a house for use by a caretaker,

and to be used for the purposes for which the same were erected.

(4) The proceeds from the sale of any part of the Glebe land which is effected after the date on which assent is given to this ordinance shall be applied (after payment of all costs in connection with such sale) in or towards meeting the cost of a new hall

to be erected on the Glebe land and or alternatively on the rectory lands and Clause 10 of the 1937 Ordinance shall not apply thereto.

4. This ordinance may be cited as ^{the} "Windsor Ordinance 1982".

FIRST SCHEDULE.

ALL THAT piece or parcel of land in the State of New South Wales, containing by admeasurement, three acres and twenty three perches be the same more or less, situated in the County of Cumberland and Parish of Saint Matthew Town of Windsor bounded on the north east by the Cornwallis road being north fifty six degrees and nine minutes west six chains sixty five and one half links on the north west by a line bearing south thirty three degrees thirty six minutes west four chains fifty two links, on the south west by a line south twenty nine degrees thirty five minutes east two chains sixty four links and then by a line south nine degrees five minutes east two chains six and one half links, on the south east by a line bearing north fifty five degrees twenty one minutes east seven chains seventy three links (Advertised as No. 70 in the Government Notice dated 4th May, 1843).

SECOND SCHEDULE.

ALL THAT allotment or parcel of land numbered forty three containing by estimatim one rood and six perches more or less, one rood and four perches whereof are portion of Catherine Farm and two perches are portion of Smallwood's Farm situate lying and being in the District of Mulgrave Place, Town of Windsor, in the Colony of New South Wales bounded on the south east side commencing at the northern angle of an allotment number forty two by a line bearing south forty two degrees west two chains and ninety three links dividing it from the said allotment - on the south west side by a line bearing north forty five degrees west one chain dividing it from an allotment number forty - on the north west side by a line bearing north forty two degrees east two chains and ninety three links dividing it from an allotment number forty four - and on the north east by one chain along New Street to the point of commencement.

THIRD SCHEDULE.

ALL THAT piece or parcel of land containing 6 acres 2 roods 22½ perches situated in the Municipality of Windsor Parish of St. Matthew County of Cumberland and State of New South Wales commencing at the intersection of the north-western side of Windsor Terrace with the north-western side of Moses Street bounded thence on the south-east by the north-western side of

145 Windsor Terrace aforesaid bearing 33 degrees 56 minutes 40 seconds for
 330 feet 4 1/2 inches to the southernmost corner of Lot 1 shown on Deposited
 Plan numbered 12710 thence on the North-East partly by the South-Western
 boundary of that lot being a fenced line bearing 292 degrees 17 minutes
 for 499 feet thence again on the north-east by a fenced line bearing 293
 degrees 18 minutes for 123 feet 6 1/2 inches thence on the north-west by a
 150 fenced line bearing 219 degrees 55 minutes for 195 feet 11 1/2 inches thence
 again on the north-west by a fenced line bearing 219 degrees 17 minutes
 30 seconds for 376 feet 4 inches to the north-eastern side of Cornwallis
 Road thence on the south-west by the side of that road being lines bearing
 125 degrees 52 minutes for 57 feet 6 inches and 124 degrees 3 minutes for
 304 feet 4 1/2 inches thence again on the south-east by a line bearing 39 degrees
 17 minutes 30 seconds for 445 feet 5 1/2 inches thence again on the south-west by
 155 a line bearing 144 degrees 34 minutes 30 seconds for 272 feet 6 inches to the
 north-west side of Moses Street aforesaid and thence again on the south-east
 by the side of that street bearing 56 degrees 6 minutes 35 seconds for 18 feet
 10 1/2 inches to the point of commencement.

FOURTH SCHEDULE.

160 ALL THAT piece or parcel of land containing 1 acre 3 roods 34 perches situated
 in the Municipality of Windsor Parish of St. Matthew County of Cumberland and
 State of New South Wales commencing at the intersection of the north-eastern
 side of Cornwallis Road with the north-western side of Moses Street aforesaid
 165 bearing 56 degrees 6 minutes 35 seconds for 375 feet 5 1/2 inches thence on the
 north-east by a line partly fenced bearing 324 degrees 34 minutes 30 seconds
 for 272 feet 6 inches thence on the north-west by a line bearing 219 degrees 17
 minutes 30 seconds for 445 feet 5 1/2 inches to the north-eastern side of
 Cornwallis Road aforesaid thence on the south-west by the side of that road
 170 bearing 124 degrees 3 minutes for 155 feet to the point of commencement.

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

M. B. ...
 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 22nd day of November 1982.

W. J. ...
 Secretary.

I ASSENT to this ordinance.

Donald Rossiter
 Archbishop of Sydney.
 22/11/1982.