
*St. Paul's Burwood Sale Declaration and Variation of Trust
Ordinance 1951.*

No. 6, 1951.

AN ORDINANCE to authorise the sale of certain land at Burwood Road Burwood and to provide for the application of the proceeds thereof and to amend St. Paul's Burwood Sale Ordinance of 1938 and for certain other purposes.

WHEREAS by virtue of the provisions of "St. Paul's Burwood Sale Ordinance of 1938" the land described in the First Schedule hereto became vested in Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) upon Trust inter alia to permit the same and the schoolhouse erected thereon to be used for a Sunday School Bible Class or parochial meetings in connection with the Church of St. Paul Burwood Heights now known as St. Paul Burwood. AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the land described in the First Schedule hereto it has become expedient to sell the same. AND WHEREAS by virtue of St. Paul's Burwood Sale Ordinance of 1938 as amended by St. Paul's Burwood Sale Ordinance of 1938 Amending Ordinance 1939 the net proceeds of the sale of certain land thereby authorised to be sold are held by the Churchwardens for the time being of St. Paul Burwood in and towards the rebuilding of the Parish Hall of St. Paul Burwood on the land comprised in the First Schedule hereto and in addition power was given to Mortgage the land in the First Schedule hereto for Three thousand pounds to be used in and towards the rebuilding of the said Parish Hall. AND WHEREAS it is expedient to amend the St. Paul's Burwood Sale Ordinance of 1938 as amended by St. Paul's Burwood Sale Ordinance of 1938 Amending Ordinance 1939 by varying the trusts of the said proceeds of sale and in the manner hereinafter appearing. AND WHEREAS the land described in the Second Schedule hereto is vested in the said Trust and now has erected thereon a Church known as "St. Paul Burwood." AND WHEREAS the land described in the Third Schedule hereto (which adjoins the land in the Second Schedule hereto) is also vested in the said Trust and now has erected thereon a Parsonage occupied by the Rector for the time being of the said Church known as St. Paul Burwood. AND WHEREAS it is expedient to declare the trusts of the said lands in the Second

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and Third Schedules hereto described. AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts so declared it has become impossible or inexpedient to observe or carry out the said trusts and it is expedient to vary the same. 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. This Ordinance may be cited as "St. Paul's Burwood Sale Declaration and Variation of Trust Ordinance 1951."

2. The St. Paul's Burwood Sale Ordinance of 1938 as amended by the St. Paul's Burwood Sale Ordinance 1938 Amending Ordinance 1939 is in this Ordinance referred to as "St. Paul's Burwood Sale Ordinance of 1938-1939."

3. St. Paul's Burwood Sale Ordinance of 1938-1939 as amended by this Ordinance may be cited as "St. Paul's Burwood Sale Ordinance of 1938-1951."

4. That by reason of circumstances subsequent to the creation of the trusts of the land described in the First Schedule hereto it is expedient to sell the same.

5. The said land may be sold by the said Trust either by public auction or private contract together or in lots for cash or on credit and at such price or prices and upon such terms and conditions as the said Trust may determine with power to vary or rescind any contract for sale.

6. The purchase money to arise from any sale or sales of the said land or any part or parts thereof shall be paid to the said Trust and so much thereof as shall be required for such purposes shall be applied by the said Trust in the payment of all outgoing charges and expenses of and incidental to this Ordinance and of and incidental to any sale or sales of the said land or any part or parts thereof and the balance of the said purchase money shall be held by the said Trust upon trust to use the same in and towards the rebuilding of the Parish Hall of St. Paul Burwood.

7. Pending such application as aforesaid the net proceeds arising from any such sale or sales may be invested in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944."

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8. That by reason of circumstances subsequent to the variation of the trusts referred to in St. Paul's Burwood Sale Ordinance of 1938-1939 it has become impossible or inexpedient to carry out and observe such trusts and it is expedient to vary the same.

9. The last-mentioned Ordinance is hereby amended by deleting from Clause 4 Sub-paragraph (a) thereof the symbols and letter "(a)" and the words "on land comprised in the Second Schedule hereto" and by deleting Sub-paragraphs (b), (c), (d), (e) and (f) of the said Clause 4.

10. St. Paul's Burwood Sale Ordinance 1938 Amending Ordinance 1939 is consequently amended by the deletion of Clause 3 therefrom.

11. It is expedient to declare the trusts upon which the lands described in the Second and Third Schedules are respectively held.

12. The land described in the Second Schedule is now held upon trust to permit the same to be used for a Church in connection with the Church of England in the Parish of St. Paul at Burwood.

13. The land described in the Third Schedule is now held upon trust to permit the same to be used for a Parsonage in connection with the Church of England in the Parish of St. Paul at Burwood.

14. That by reason of circumstances subsequent to the creation of the trusts declared in Clauses 12 and 13 hereof it has become impossible or inexpedient to carry out or observe the same and it is expedient that such trusts should be varied accordingly.

15. That the lands described in the Second and Third Schedules hereto henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Paul at Burwood.

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THE FIRST SCHEDULE.

All that parcel of land being Lot 3 of Section H of the Cheltenham Estate at Burwood near Sydney commencing on the West side of the Burwood Road at the corner of a lot sold to one Bartlett and now the property of and in the occupation of one Saunders bounded by the Burwood Road bearing Southerly sixty-six feet on the South by a line separating it from Lot 4 bearing Westerly to Mr. Howden's fence one hundred and seventy feet or thereabouts on the West by that fence bearing Northerly sixty-six feet on the North by a line dividing it from Bartlett's now Saunders' fence bearing Easterly one hundred and seventy feet to the commencing point.

THE SECOND SCHEDULE.

All that piece or parcel of land being Lot 3 and part of Lot 4 of Section G of the Cheltenham Estate occupied by St. Paul's Church of England at Burwood in the Parish of Concord County of Cumberland and State of New South Wales commencing at a point on the Western building line of Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes and distant one hundred and thirty-one feet from its intersection with the Southern building line of Want Street (now Woodside Avenue) and bounded thence on the East by the Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes one hundred and ten feet on the South by a line bearing two hundred and sixty-eight degrees forty-seven minutes one hundred and eighty feet three inches on the West by a line bearing twenty-seven minutes one hundred and ten feet and on the North by a line bearing eighty-eight degrees forty-seven minutes one hundred and seventy-nine feet three inches to the point of commencement containing on rood thirty-two and one half perches.

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THE THIRD SCHEDULE.

All that piece or parcel of land being part Lot 4 and Lot 4A of Section G of the Cheltenham Estate situated at Burwood in the Parish of Concord County of Cumberland Colony of New South Wales commencing at a point on the Western building line of the Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes and distant two hundred and forty-one feet from its intersection with the Southern building line of Want Street (now Woodside Avenue) and bounded thence on the East by the Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes one hundred and thirty-six feet six inches on the South by a line bearing two hundred and sixty-nine degrees thirty-five minutes one hundred and eighty-one feet six inches on the West by a line bearing twenty-seven minutes one hundred and thirty-four feet and one half inch and on the North by a line bearing eighty-eight degrees forty-seven minutes one hundred and eighty feet three inches to the point of commencement and containing by admeasurement two roods nine and eight tenth perches.

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 23rd day of April, 1951.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

27/4/1951.