

*St. Simon and St. Jude's Land Sale.*

4/1905

AN ORDINANCE to authorise the sale of portion of the land and premises situate in East and Campbell Streets Surry Hills being part of one hundred and five acres granted from the Crown to Joseph Foveaux by Crown Grant dated the second day of December one thousand seven hundred and ninety-three and upon part of which land Saint Simon and Saint Jude's Church is erected and to provide for the application of the proceeds thereof.

*(Assented to 25 August, 1905.)*

WHEREAS by an Indenture dated the sixteenth day of March one thousand eight hundred and eighty-one registered 998 book 215 and made between Anne Sophia Campbell of the first part the Honorable John Campbell of the second part and the Reverend John Douse Langley and William Edward Toose and William Hill (since deceased) (therein called Trustees) of the third part certain lands and hereditaments therein particularly described with the appurtenances were conveyed and assured unto and to the use of the said Trustees as joint tenants but upon trust for the erection and maintenance thereon of a Church or building which was intended when consecrated to be called "Saint Simon and Saint Jude's" and subject as far as the nature of the property and the circumstances of the case would admit to the provisions of an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the eighth year of the reign of His late Majesty King William IV. intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales." And whereas by an Indenture dated the eighteenth day of March in the year one thousand eight hundred and eighty-one

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registered number 1000 book 215 and made between said Trustees of the first part and John Lawrence Brown and William Frederick McCarthy of the second part the land and hereditaments described in the hereinbefore recited Indenture were conveyed and assured unto the said John Lawrence Brown and William Frederick McCarthy by way of mortgage for securing the sum of eleven hundred pounds with interest for the same. And whereas by an Indenture dated the twenty-seventh day of June one thousand eight hundred and eighty-four registered number 473 book 292 and made between Edward Joseph Sparke of the one part and the said Trustees of the other part all that piece or parcel of land situate in the City of Sydney in the Parish of Saint Lawrence and County of Cumberland commencing at the intersection of East Street and Campbell Street and bounded on the South by Campbell Street bearing Easterly eighty feet four inches on the East by a line bearing North-erly twenty-three feet on the North East by a line bearing North Westerly eighty-three feet five inches to East Street aforesaid and on the West by that Street bearing Southerly sixty-two feet four inches to the point of commencement was granted and released unto and to the use of the said Trustees their heirs and assigns as joint tenants upon the trusts and with and subject to the powers and provisions by and in the hereinbefore recited Indenture of the sixteenth day of March one thousand eight hundred and eighty-one declared and contained of and concerning the hereditaments thereby conveyed or such of the same trusts powers and provisions as were then subsisting and capable of taking effect in the same and like manner as if the land and hereditaments by the now reciting Indenture conveyed or intended so to be had been included in the said hereinbefore recited Indenture and had been thereby conveyed to the said Trustees. And whereas the Church known as Saint Simon and Saint Jude's has been erected and maintained

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on part of the said land described in the hereinbefore recited Indenture of the sixteenth day of March one thousand eight hundred and eighty-one in conformity with the said trust And whereas the said Church has been licensed as a Church in connection with the Church of England And whereas the piece or parcel of land described in the Indenture firstly hereinbefore recited is sufficient for the purpose of maintaining the said Church. And whereas it has become inexpedient to carry out or observe the particular purpose to which the land comprised in and particularly described in the Schedule hereto is by such trust as aforesaid devoted And whereas it is expedient that the said land described in the Schedule hereto should be sold and the proceeds thereof applied in repayment of the mortgage debt now existing on the said land described in the hereinbefore recited Indenture of the sixteenth day of March one thousand eight hundred and eighty-one And whereas such mortgage debt now amounts to the sum of four hundred pounds. And whereas subject to the passing of this Ordinance a contract has been entered into with the Municipal Council of Sydney for the sale to the said Council of the said land described in the Schedule hereto for the sum of four hundred pounds Now therefore 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 Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the erection of the said Saint Simon and Saint Jude's Church and since the creation of the said trust in the said Indenture of the twenty-seventh day of June one thousand eight hundred and eighty-four contained

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it has become inexpedient to carry out or observe the particular purpose to which the land described in the Schedule hereto is by such trust devoted .

2. The land described in the Schedule hereto may be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Trustees thereof may deem expedient freed from such trust as aforesaid.

3. The purchase money arising from the sale or sales shall be paid to the said Trustees and shall be applied by them in repayment of the mortgage debt now existing on the land the subject of the said trust.

4. Any part of the said purchase money not immediately required to be applied as aforesaid may be invested by the Trustees in any Public Funds or Government Stock or Government Securities or on mortgage of freehold properties in any part of New South Wales and pending such investment may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney and the income arising from any such investment or deposit shall be applied towards Church purposes in the Parish of Saint Simon and Saint Jude.

5. This Ordinance shall be styled and cited as the "Saint Simon and Saint Jude's Church Sydney Ordinance of 1905."

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THE SCHEDULE.

All that piece or parcel of land situate lying and being in the City of Sydney Parish of Alexandria County of Cumberland and State of New South Wales containing by admeasurement ten decimal four (10.4) perches and be the hereinafter several dimensions a little more or less: commencing at a point being the intersection of the Eastern building alignment of East

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Street with the existing fenced building line of Campbell Street and bounded on the West by the aforesaid Eastern building alignment of East Street being a line bearing North two degrees fifty-five minutes East fifty-five feet six and one-eighth inches thence on the North East and North by lines bearing South fifty-four degrees six minutes East twenty-seven feet and one-eighth of an inch South eighty-seven degrees twenty-seven minutes and fifteen seconds East forty-five feet and seven-eighths of an inch respectively thence on the East by a line bearing South sixteen degrees thirty seven minutes West four feet three and three-quarter inches thence again on the North by a line bearing South sixty seven degrees ten minutes and nineteen seconds East twelve feet and one quarter of an inch thence again on the East by a line bearing South twenty-two degrees five minutes and nine seconds West twenty-five feet six and one-eighth inches to the existing fenced Northern building line of Campbell Street thence on the South by the aforesaid Northern building line of Campbell Street being lines bearing South eighty-five degrees fifty-eight minutes and one second West twenty-three feet two and one-eighth inches South eighty-three degrees forty-four minutes and fifteen seconds West ten feet seven inches South eighty degrees thirty-six minutes and five seconds West ten feet seven and five-eighths inches South seventy-eight degrees forty-one minutes West four feet and three-eighths of an inch North eighty-nine degrees thirty-nine minutes and fifteen seconds West twenty-one feet ten and five-eighths inches to the point of commencement.

The above described land is part of the "Foster-ville" and "Riley" Estates and part of one hundred and five acres granted to Joseph Foveaux on the second day of December one thousand seven hundred and ninety-three.