

THE SWAN CREEK CHURCH LAND EXCHANGE ORDINANCE 1948

WHEREAS the lands described in the First Schedule hereto are vested in the Corporate Trustees of the Diocese of Grafton (hereinafter called "the Trustees") and upon which are erected the building and other improvements known as the Swan Creek Church AND WHEREAS it is expedient that the said lands be exchanged for those described in the Second Schedule hereto. AND WHEREAS by Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth entitled "Church of England Trust Property Act 1917, No. 21" it was enacted that during the recess of the Synod, a committee, Council, or other body of persons appointed for that purpose by Ordinance might, in place of the Synod of the Diocese exercise such of the powers and functions and do and make such of the things referred to in the said Act as should be determined by Ordinance of the Synod of such Diocese AND WHEREAS by an Ordinance of the Synod of the Diocese of Grafton passed in the year One thousand nine hundred and thirty-four the Bishop-in-Council was appointed for the purpose of exercising and might accordingly during the recess of such Synod of the said Diocese exercise in the place of such Synod any or all of the powers and functions and do and make any or all of the things referred to in Section 26 of the said Act as may be done by the Synod NOW THEREFORE the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and the said Ordinance and in pursuance of the powers vested in the said Synod by the constitution for the management and good government of the Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" or otherwise in the name and in the place of such Synod ordains, directs and rules as follows:-

OPINION

1. It has become and is inexpedient to maintain the Swan

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Creek Church upon the lands described in the First Schedule hereto and it is expedient to exchange such lands for those described in the Second Schedule hereto to enable the Swan Creek Church to be re-established and maintained thereon.

POWER TO EXCHANGE.

2. The Trustees in whom the said lands described in the First Schedule hereto are vested are hereby empowered and directed to exchange the said lands for those described in the Second Schedule hereto upon the terms that no money or other consideration shall be payable by the said Trustees for equality of exchange or otherwise or for the costs and expenses attendant upon such exchange, and upon such other terms and conditions as may be determined by the Trustees including provision for retaining possession of the lands comprised in the First Schedule hereto together with the Church building and other improvements thereon for so long as may be deemed necessary for the re-establishment of the said Church upon the lands comprised in the Second Schedule hereto and for the removal of the Church buildings and improvements from the lands described in the First Schedule hereto.

3. The owner of the lands comprised in the Second Schedule hereto who will become the owner of the lands comprised in the First Schedule hereto under the powers hereby conferred shall not be bound or concerned to inquire whether such powers shall have been duly or properly exercised in accordance with the next preceding section of this Ordinance or be affected by any Notice to the contrary.

4. The Trustees are hereby authorised to execute and do all necessary deeds, conveyances, transfers, assurances and other instruments acts and things for giving full and complete effect to the provisions of this Ordinance according to its true intent and meaning and to convey, transfer, and assure the said lands described in the First Schedule hereto to the owner of the lands

comprised in the Second Schedule hereto and to accept from him by way of exchange the necessary conveyance, transfer and assurance of the lands described in the Second Schedule hereto.

SHORT TITLE.

This Ordinance may be cited and known as "The Swan Creek Church Land Exchange Ordinance 1948."

THE FIRST SCHEDULE ABOVE REFERRED TO

ALL THAT piece or parcel of land containing 23 and 9/10th perches more or less situated in the Parish of Ulmarra and County of Clarence being part of original Portion No. 55A (now numbered Portion 535 on Parish Map) as fully described in Deed of Conveyance dated 16th July 1907 from New South Wales Fresh Food and Ice Co. Ltd. to the Corporate Trustees of the Diocese of Grafton and Armidale Registered No. 921 Book 834.

THE SECOND SCHEDULE ABOVE REFERRED TO

ALL THAT piece or parcel of land containing by admeasurement One rood more or less situated in the County of Clarence and Parish of Ulmarra being part of Original Portion Number 55A (now numbered Portion 535 on Parish Map) Commencing at the intersection of the Western side of the Pacific Highway with the South Eastern side of the old South Grafton to Ulmarra road and bounded thence on the North West by the South Eastern side of that road bearing South Westerly three chains twenty three links more or less to the North Western corner of the lands now vested in The Corporate Trustees of the Diocese of Grafton as described in the first Schedule hereto; thence on the South along the Northern boundary of the last-mentioned lands bearing Easterly One chain seventy links more or less to the Western side of the Pacific Highway; and thence on the East by that side of the Pacific Highway bearing Northerly three chains more or less to its intersection with the South Eastern side of the old South Grafton to Ulmarra Road being the point of commencement.

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

H. Broadway Chairman of Committees.

I certify that the Ordinance was passed by the Bishop-in-Council on the 15th December, 1948.

O. E. Singleton Registrar.

I assent to this Ordinance.

A. Broadway  
Bishop's Commissary.