

7/1911

AN ORDINANCE to vary the Trusts declared in the respective Crown Grants of St. Paul's (Sydney) Church Rectory and School lands and to authorise the Church of England Property Trust Diocese of Sydney to receive from the Chief Commissioner for Railways and Tramways of New South Wales or out of Court the compensation moneys and interest payable by the Crown for the resumption of the Rectory land and of certain portions of the said Church land and of the said School land and to provide for the application of the said moneys when received.

WHEREAS by three respective Deeds Poll or Crown Grants bearing date respectively the 28th day of August 1857 ALL those respective parcels of land described in the respective First Second and Third Schedules hereto were granted unto Robert Tooth George James Armytage and the Reverend William Horatio Walsh their heirs and assigns for ever UPON TRUST as to the parcel of land comprised in the said First Schedule for the erection thereon of a Church of the United Church of England and Ireland as by law established in conformity with the provisions of the Act 8 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 of a certain other Act 7 William IV. intituled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" so far as the same might apply to the Trusts of the Grant now in recital and for no other purpose whatsoever AND UPON TRUST as to the parcel of land comprised in the said Second Schedule for the appropriation thereof as the site of a dwelling house garden and other appurtenances for the clergyman duly appointed to officiate in the Church of the United Church of England and Ireland as by law established erected at Chippendale and known as "St. Paul's" in conformity with the provisions of the hereinbefore mentioned Acts AND UPON TRUST as to the parcel of land described in the Third Schedule for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established and for no other

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purpose whatsoever AND WHEREAS various Trustees of the said respective parcels of land were in succession from time to time duly appointed to the Trusteeship originally held by the said Robert Tooth George James Armytage and the Reverend William Horatio Walsh and ultimately by three respective Deeds Poll dated respectively the 10th day of August 1887 the 10th day of August 1887 and the 14th day of July 1891 the two first-named Deeds Poll being under the respective hands and seals of the then respective Trustees of the respective parcels of land described in the respective First and Third Schedules hereto and the last named of the said Deeds Poll being under the hand and seal of the Most Reverend William Saumarez Smith Doctor of Divinity the then Bishop of the Diocese of Sydney and operating in respect of the parcel of land comprised in the Second Schedule hereto the whole of the said respective parcels of land in accordance with the provisions of the "Church of England Trust Property Incorporation Act 1881" became vested in the Church of England Property Trust Diocese of Sydney their successors and assigns upon and subject to the respective trusts in the hereinbefore in part recited Crown Grants expressed and contained or to so much of the same respectively as were still subsisting undetermined and capable of taking effect AND WHEREAS a small portion of the land comprised in the said second Schedule hereto was some years ago resumed for railway purposes and there is now in the hands of the said Church of England Property Trust Diocese of Sydney the sum of £477 18s. being the amount of compensation received in respect of such resumption. AND WHEREAS by Notification of resumption dated the 21st day of February 1911 and published in the Government Gazette on the 1st day of March 1911 the lands described in the 4th Schedule hereto were (amongst other lands) appropriated and resumed under the provisions of the Public Works Act 1900 for the public purposes mentioned in the said Notification AND WHEREAS the lands so resumed comprise the residue of the land described in the Second Schedule hereto which includes the site of the Rectory and also a portion of each of the respective parcels of land described in the respective First and Third Schedules hereto AND WHEREAS the Church of St. Paul is erected on portion of the residue of the land described in the First Schedule hereto remaining after the said resumption the other portion of the said residue being vacant AND WHEREAS by reason of the said resumption and of other circumstances which have occurred since the creation of the said trusts it has become inexpedient to carry out in their

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entirety the particular purposes to which the said respective parcels of land described in the hereinbefore in part recited Crown Grants respectively were by the respective trusts contained in such Crown Grants respectively devoted AND WHEREAS it is expedient that the trusts contained in the said Crown Grants respectively should be varied and that the net proceeds of the parcels of land so resumed as aforesaid should be applied in making repairs and additions to the said Church also in building upon portion of the residue of the land described in the first Schedule hereto a dwelling house with a garden and other appurtenances for the Clergyman duly appointed to officiate in the said Church of St. Paul and also in repaying certain moneys borrowed for the purpose of building upon the said residue of the parcel of land described in the Third Schedule hereto and also in making and building upon a portion of the land described in the Third Schedule hereto and upon a further portion of the residue of the land described in the First Schedule hereto a School House and Hall and also for other the purposes hereinafter mentioned 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. In the construction and for the purpose of this Ordinance the following expressions shall bear the respective meanings set against them:—

"The Corporate Trustees"—The Church of England Property Trust Diocese of Sydney their successors and assigns.

"Parochial Authority"—The Minister and the Parochial Council or if no Parochial Council the Minister and the Churchwardens for the time being of the said Church of St. Paul.

"The resumption money"—The money paid or payable as compensation for the resumption of the land described in the Fourth Schedule hereto.

2. By reason of circumstances which have occurred since the creation of the trusts declared by the hereinbefore in part recited

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Crown Grants respectively it has become inexpedient to carry out or observe in their entirety the particular purpose or purposes to which the said land described in the respective first second and third Schedules hereto were respectively by the said trusts devoted.

3. It is hereby declared that the lands referred to in clause 5 sections (c) and (e) or the necessary part or parts thereof shall be respectively held upon trust for the erection of the buildings and for other the purposes therein referred to.

4. The Corporate Trustees are hereby authorised to receive from the Chief Commissioner for Railways and Tramways of New South Wales or from any other authority liable to pay the same or out of Court the resumption money with all interest payable in respect of the same.

5. The Corporate Trustees shall hold the resumption money as and when the same shall be received by them and after payment thereof of the expenses of and incidental to the said resumption and this Ordinance upon the respective trusts and shall in respect thereof have the powers and authorities hereinafter set forth namely:—

- (a) To expend and apply so much of the resumption money as the parochial authority shall deem expedient (but not exceeding the sum of £500) in making repairs and additions to the said Church.
- (b) To expend and apply so much of the resumption money as the parochial authority shall deem expedient in erecting on portion of the unresumed part of the land described in the said first Schedule hereto a dwelling house with a garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of St. Paul and in and towards the costs charges and expenses (including Architect's fees) in and about or in relation to the negotiation preparation and execution of the necessary contract or contracts for the erection of the said building or otherwise in relation thereto and such expenditure shall not exceed the sum of Two thousand five hundred pounds (£2,500).

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- (c) To repay any sum or sums which may have been borrowed to complete the erection of the Parish Hall standing on portion of the said land resumed at the date of the said resumption.
- (d) To apply so much of the resumption money as the parochial authority shall deem expedient in the erection within the unresumed parts of the said respective lands described in the first and third Schedules a School-house and Hall with the necessary appurtenances and in and towards the costs charges and expenses including Architect's fees) in and about or in relation to the negotiations preparation and execution of the necessary contract or contracts for the erection and execution of the said buildings or otherwise in relation thereto, and such expenditure shall not exceed the sum of Five thousand five hundred pounds (£5,500).
- (e) Out of the interest of the resumption money which shall accrue between the date of the resumption of the land and the date of such money being received by The Corporate Trustees and also out of any further interest which The Corporate Trustees may receive in respect of the resumption money pending the final completion of the buildings and works authorised by this Ordinance The Corporate Trustees shall pay the arrears of the Synod Assessment owing by the Parish of St. Paul and the rent of a temporary residence for the Clergyman for the time being of the said Church of St. Paul as from the date of his vacating the Parsonage erected upon portion of the land resumed until a new Parsonage shall have been erected as hereinbefore provided and may out of the balance of such interest (if any) pay such amount to the said Clergyman as they may think fit by way of allowance in respect of disturbance occasioned him by the removal of his said residence.

6. The resumption money together with the said sum of £477 13s. may from time to time until otherwise determined by Synod be invested by The Corporate Trustees upon the application of the Parochial authority in the purchase of freehold messuages lands or hereditaments in the State of New South Wales or in or upon any Stocks funds or securities of or guaranteed by the

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Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States of the said Commonwealth or of or guaranteed by the Government of New Zealand or on mortgage of freehold properties in any part of New South Wales with power upon the like application to vary any such investments for any other or others of them and pending such investments 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.

7. Any interest which may remain in the hands of The Corporate Trustees and also the net income arising from any such deposits or investments as aforesaid shall be paid by the Corporate Trustees to the Churchwardens for the time being of the said Church of St. Paul and be held and applied by them in accordance with the provisions of the Sydney Church Ordinance as Parochial Church Funds and property and not excluded from control by the said Churchwardens within the meaning of Sections 27 and 28 of the said Ordinance or any Ordinance or Ordinances amending or made in lieu of the same.

8. This Ordinance shall be styled and cited as "The St. Paul's (Sydney) Land Resumption Ordinance 1911."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land in our said territory containing by admeasurement one acre be the same more or less situated in the County of Cumberland and Parish of Saint Lawrence in the City of Sydney at Chippendale commencing at the south east corner of the school allotment and bounded on the south by the building line of Cleveland Street easterly two chains fifty-six links and one half link on the east by a line at right angles to Cleveland Street northerly three chains ninety-two links on the north by a line at right angles to the east boundary westerly two chains fifty-six links and one half link to the north east corner of the Parsonage Allotment and on the west by a line dividing it from that allotment and the school allotment aforesaid at right angles to the north boundary southerly three chains ninety-two links to the commencing corner Advertised in the Government Notice dated 7th October 1856.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land in our said territory containing by admeasurement two roods be the same more or less situated in the County of Cumberland and Parish of Saint Lawrence in the City of Sydney at Chippendale commencing on the building line of George Street at the north-west corner of the School Allotment and bounded on the south by the north boundary line of that allotment easterly parallel to Cleveland Street two chains fifty-eight links on the East by a line dividing it from part of the Church Allotment at right angles to the south boundary northerly two chains twelve links on the north by a line at right angles to the east boundary westerly two chains twelve links and one half link to George Street and on the west by the building line of that street southerly two chains eighteen links to the commencing corner Advertised in the Government Notice dated 7th October 1856.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land in our said territory containing by admeasurement two roods be the same more or less situated in the County of Cumberland and Parish of Saint Lawrence in the City of Sydney at Chippendale commencing at the intersection of George Street with Cleveland Street and bounded on the South by the building line of Cleveland Street two chains ninety-seven links easterly on the east by a line dividing it from part of the Church Allotment at right angles to Cleveland Street northerly one chain eighty links on the north by a line dividing it from the Parsonage Allotment at right angles to the east boundary westerly two chains fifty-eight links to George Street and on the west by the building line of that Street southerly one chain eighty-three links to Cleveland Street aforesaid. Advertised in the Government Notice dated 7th October 1856.

THE FOURTH SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece of land situate in the City of Sydney Parish of Saint Lawrence County of Cumberland and State of New South Wales being part of St. Paul's Church grounds commencing at the north east corner thereof thence bounded on the north and

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north west by railway land bearing south 89 degrees 43 minutes west 256 feet 1½ inches south 26 degrees 59 minutes west 128 feet 7 inches north 65 degrees 39 minutes west 6 feet and south 24 degrees 21 minutes west 58 feet thence again on the north west and south west by Cleveland Street bearing south 11 degrees 55½ minutes west 113 feet 1½ inches south 13 degrees 29 minutes east 4 feet 8½ inches south 29 degrees 38 minutes east 4 feet 8½ inches south 39 degrees 31 minutes east 4 feet 11½ inches south 58 degrees 59 minutes east 4 feet 9¼ inches south 75 degrees 9 minutes east 4 feet 7 inches thence on the south by part of the northern side of Cleveland Street bearing south 89 degrees 56 minutes west 103 feet 7 inches thence on the south east by a curved line of 10 chains radius 385 feet 3¼ inches long and whose chord bears north 40 degrees 51 minutes east 379 feet 10½ inches and thence on the east by part of the western boundary of Prince Alfred Park bearing north 0 degrees 20 minutes west 6 feet to the point of commencement and containing about 1 acre 0 roods 31½ perches and said to be the property of the Trustees of St. Paul's Church.

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

EDW. H. ROGERS,

Chairman of Committees.

We certify that this Ordinance was passed this fourth day of October, 1911.

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| E. CLAYDON | } Secretaries of |
| W. R. BEAVER | |

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

9th October, 1911.