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*St. Simon and St. Jude Bowral Church School  
Ordinance of 1937.*

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No. 2, 1937.

AN ORDINANCE to vary the Trusts declared by the "St. Simon and St. Jude Bowral Sale Ordinance of 1920" AND the "St. Simon and St. Jude Bowral Sale Varying and Repealing Grammar School Ordinance of 1926" AND ALSO to sell the land more particularly described in the Schedule hereto AND ALSO for purposes of and incidental to the before mentioned matters and for other purposes.

WHEREAS in or about the year One thousand eight hundred and sixty-two John Norton Oxley and Henry Molesworth Oxley being about to lay out and subdivide the private town of Bowral set aside certain lands containing in all 46 acres 1 rood 25½ perches part of such subdivision for the purposes of the Church of England in the said Town which lands were subsequently freely given and conveyed for such purposes by Indenture of Conveyance dated 24th day of October One thousand eight hundred and seventy-three made between the said John Norton Oxley of the one part and the Bishop of Sydney of the other part and Registered No. 556 Book 138 AND WHEREAS the said land has been brought under the provisions of the Real Property Act 1900 the Number of the Real Property Application being 23794 and upon such Real Property Application it was found that instead of the area being 46 acres 1 rood 25½ perches the correct area was 46 acres 1 rood 38 perches AND WHEREAS part of the said lands was devoted to and is now used as a site on which is erected a Church of the United Church of England and Ireland known as the Church of St. Simon and St. Jude Bowral a dwelling house for the licensed minister of the said Church and School House in connection with the said Church and part has been devoted to and is used as a burial ground in connection with the said Church and the remainder of the said lands hereinafter called the Bowral Glebe lands were devoted to and used as a Glebe in connection with the said Church AND WHEREAS by the "St. Simon and St. Jude Bowral Sale Ordinance of 1920" it was enacted that 42 acres 3 roods 25½ perches as set out in the Second Schedule of the said Ordinance should be sold being part of the

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before mentioned Glebe Land and also 3 roods and 8 perches as mentioned in the Third Schedule of the said Ordinance should likewise be sold AND WHEREAS by the said Ordinance it was further enacted that the money arising from the sales in respect of the lastly two mentioned parcels of land should be applied by the Archbishop of Sydney as follows:—

- (a) In payment to the Churchwardens for the time being of the Parish of St. Simon and St. Jude Bowral (whose receipt shall be a sufficient discharge) the purchase money of the land described in the Third Schedule before mentioned and all eqsts charges and expenses incurred by them of or incidental to the same AND ALSO a sum not exceeding One thousand pounds for the purpose of enlarging remodelling and generally extending the present school house in the Parish of Bowral.
- (b) And as to the remaining proceeds one half for the purpose of acquiring land in the Parish of Bowral and in or towards establishing thereon a Church of England Grammar School for Boys to be vested and managed under a constitution as provided by the Synod of the Diocese of Sydney.
- (c) The other half of the said proceeds shall be invested in manner hereinafter mentioned and the nett income arising therefrom applied as follows:—A sum not exceeding One hundred and fifty pounds per annum to be paid to the Minister for the time being of the said Church and the balance paid to the Rector and Churchwardens for the time being of the said Church (whose receipt shall be a sufficient discharge) and used in the following manner:—Half for the Home Mission Society of the Diocese of Sydney and half for Church Parsonage or Parish Hall purposes within the Parish of Bowral.

AND WHEREAS in pursuance of such Ordinance portion of the land mentioned in the Second and Third Schedules as afore-said has been sold and the balance of the land now mentioned in the said Schedules consists of 6 acres 1 rood 2½ perches being the whole of the land comprised in Certificate of Title dated the fourteenth day of February One thousand nine hundred and thirty-six Volume 4743 Folio 37 AND ALSO 8 acres 1 rood 15½ perches being the whole of the land comprised in Certificate of Title dated the 7th day of December One thousand nine hundred

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and twenty three Volume 3537 Folio 151 the last mentioned being sold to the Council of the Municipality of Bowral AND WHEREAS by Agreement bearing date the Twenty-fifth day of January One thousand nine hundred and thirty-five made between the Archbishop of Sydney of the one part and the Council of the Municipality of Bowral of the other part For the considerations therein mentioned the said Archbishop of Sydney sold to the Council "The whole of the land comprised in the said Certificate of Title dated the Seventh day of December One thousand nine hundred and twenty-three Registered Volume 3537 Folio 151 containing eight acres one rood fifteen and three-quarters perches or thereabouts and situated in the said Municipality (hereinafter designated the said land).

For the sum of One thousand pounds (£1000) to be paid in twenty half-yearly instalments without interest. Such instalments to be the sum of Fifty pounds (£50) payable on the first day of June and the first day of December in each and every year until the sum of One thousand pounds (£1000) should be fully paid the first payment whereof was made on the first day of June One thousand nine hundred and thirty-five and the said Agreement contained amongst other things the following clauses namely:—

Clause 8.—That the said land is being purchased by the Council for the purpose of a park for the said Municipality and the same shall be controlled and managed by the Council in pursuance of the Local Government Act 1919 and the Ordinance thereunder.

Clause 9.—That no transfer of the said land shall be made by the Archbishop of Sydney to the Council until the whole of the purchase money has been paid.

AND WHEREAS portion of the proceeds of sale mentioned in the aforesaid Ordinance were devoted for acquiring land in the Parish of Bowral and in or towards establishing thereon a Church of England School for Boys to be vested in and managed under a constitution as provided by the Synod of the Diocese of Sydney such land being vested in the Archbishop of Sydney and being the whole of the land comprised in Certificate of Title dated the Ninth day of January One thousand nine hundred and twenty-four Volume 3547 Folio 122 AND ALSO the whole of the land comprised in Certificate of Title dated the Twenty-second day of

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January One thousand eight hundred and ninety-seven Volume 1212 Folio 13 AND WHEREAS by the "Bowral Church of England School for Boys Ordinance of 1924" a School known as the Church of England Grammar School for Boys was duly constituted at Bowral as therein mentioned AND WHEREAS subsequently it was decided that a Church of England Grammar School for Boys at Bowral was no longer necessary AND WHEREAS by the "St. Simon and St. Jude Bowral Sale Varying and Repealing Grammar School Ordinance of 1926" it was recited in such Ordinance that it was no longer expedient to carry on the Church of England Grammar School for Boys at Bowral and that it was expedient to use the land comprised in the two lastly mentioned Certificates of Title together with certain monies as therein mentioned for the purposes of a School for Girls at Bowral AND WHEREAS Section 1 of the said Ordinance vested in the Archbishop of Sydney the land comprised in the said two Certificates of Title for the purposes of the Sydney Church of England Grammar School for Girls in lieu of the Church of England Grammar School for Boys Bowral AND WHEREAS Section 2 of the said Ordinance enacted that certain monies should be paid to the Council of the Sydney Church of England Grammar School for Girls for the general purposes of the said School AND WHEREAS at the time of the passing of the said Ordinance the Sydney Church of England Grammar School for Girls carried on a branch of its School at Bowral but subsequently closed the same and removed such Branch outside the Parish of Bowral and no longer intends to carry on a Branch at Bowral AND WHEREAS the object of the said Ordinance was that the Branch of the said School for Girls should be carried on at Bowral AND WHEREAS the land comprised in the two Certificates of Title Volume 3547 Folio 122 and Volume 1212 Folio 13 is no longer required for the purpose of a School at Bowral and it is expedient to sell the same and to provide for the application of the proceeds thereof AND WHEREAS by reason of circumstances subsequent to the creation thereof it is inexpedient to carry out and observe the trusts in respect of the one-half share of the remaining proceeds mentioned in Section 2 of the said ordinance except with respect to so much of the said share as has been paid to the Council of the Church of England Grammar School for Girls NOW the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Procedure and Delegation of Powers

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Ordinances and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances in connection with the St. Simon and St. Jude Bowral Sale Varying and Repealing Grammar School Ordinance of 1926" and subsequent thereto it has become inexpedient to carry out the trusts provided in Sections 1 and 2 of the said ordinance and the same are to the extent of this ordinance hereby varied.

2. The land mentioned in Section 1 of the said Ordinance and now being the whole of the land comprised in Certificates of Title dated respectively the Ninth day of January One thousand nine hundred and twenty-four and the Twenty-second day of January One thousand eight hundred and ninety-seven Volume 3547 Folio 122 and Volume 1212 Folio 13 respectively and being the land described in the Schedule hereto shall on the passing of this Ordinance be and the same is hereby vested in the Archbishop of Sydney on behalf of the Church of England in the Parish of Bowral and shall be dealt with in manner hereinafter appearing.

3. One-half share of the remaining proceeds mentioned in Section 2 of the said Ordinance shall on the passing of this Ordinance be and the same is hereby vested in the Archbishop of Sydney to be applied in or towards the objects mentioned in Sub-Sections (a) (b) and (c) of Section 6 of this Ordinance and the investment and application thereof dealt with in pursuance of Section 7 of this Ordinance the land now remaining in respect of the said Ordinance consisting of the whole of the land comprised in Certificates of Title dated respectively the Fourteenth day of February One thousand nine hundred and thirty-six and the Seventh day of December One thousand nine hundred and twenty-three Volume 4743 Folio 37 and Volume 3537 Folio 151 respectively as hereinbefore recited Provided that this Section shall not apply to any moneys which may have been paid to the Council of the Church of England Grammar School for Girls at the time of the passing of this Ordinance.

4. By reason of circumstances subsequent to the passing of the said Ordinance mentioned in Section 1 of the said Ordinance

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it has become expedient to sell the land being the land described in the Schedule hereto.

5. The said Archbishop of Sydney (hereinafter designated the Trustee) be and he is hereby authorised to sell the land described in the Schedule hereto by Public Auction or private contract and either as a whole or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the Trustee may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the Trustee is hereby authorised to execute and do all such transfers assurances receipts and things as he shall deem proper.

6. The proceeds of the sale of the land mentioned in the Schedule hereto shall be applied as follows:—

- (a) To pay the costs charges and expenses of and incidental to this Ordinance.
- (b) To pay all rates and taxes (if any) in respect of the land comprised in this Ordinance.
- (c) With the approval of the Trustee to purchase other land in the Parish of Bowral and the erection thereon of the necessary buildings for the purposes of a Church School to be established and carried on under a constitution to be provided by Ordinance of Synod and that the Title of such land when so purchased shall be vested in the Trustee and held by him upon trust to permit the same to be used for a site for a Church School in the Parish of Bowral.

7. Pending the use of the net proceeds mentioned in Sections 3 and 6 of this Ordinance the Trustee be and he is hereby authorised to hold and invest in proper investments the said proceeds and all future accretions in respect thereof and pay the income accruing therefrom to the Rector and Churchwardens of the Parish of St. Simon and St. Jude Bowral (whose receipt shall be a sufficient discharge) for general church purposes within such Parish.

8. This Ordinance shall be styled and cited as the "St. Simon and St. Jude Bowral Church School Ordinance of 1937."

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THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing by admeasurement thirty-one acres one rood or thereabouts situated near Burradoo in the Shire of Nattai Parish of Mittagong and County of Camden being Lots 1 2 and 3 as per Deposited Plan 2848 and being the whole of the land comprised in Certificate of Title dated the Ninth day of January One thousand nine hundred and twenty-four Volume 3547 Folio 122 AND ALSO ALL THAT piece or parcel of land containing by admeasurement twelve acres two roods thirty-six perches situated at Burradoo in the Parish of Mittagong County of Camden being Lot 27 as per Deposited Plan Number 2848 and being the whole of the land comprised in Certificate of Title dated the Twenty-second day of January One thousand eight hundred and ninety-seven Volume 1212 Folio 13.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this First day of March, 1937.

H. V. ARCHINAL,

Secretary.

I assent to this Ordinance.

2nd March, 1937.

HOWARD SYDNEY.