

*St. Philip's Sydney and Holy Trinity Sydney Sale Ordinance*  
1954.

No. 43, 1954.

AN ORDINANCE to authorise the sale of certain land at Cremorne in the Municipality of Mosman and to provide for the investment of the proceeds thereof.

WHEREAS by her last Will and Testament dated the 21st July 1874 Mary Riley late of Gloucester Street Sydney gave devised and bequeathed unto her executors two freehold dwelling houses known as Nos. 64 and 66 Gloucester Street Sydney upon Trust to receive the rents issues and profits thereof and after payment thereof of all repairs taxes and other outgoings to apply the residue of such rents profits and issues for the benefit of the Church and School in the Parish of St. Philip and Holy Trinity Sydney in equal proportions and by quarterly payments AND WHEREAS the said Mary Riley died on 11th November 1874 and Probate of her said Will was granted on 22nd December 1874 to Edward Rogers and Thomas O'Reilly the Executors therein named AND WHEREAS by Order of the Supreme Court of New South Wales in its Equitable Jurisdiction made on 12th December 1902 in Suit No. 709 of 1902 entitled "In the matter of the Public Works Act 1900 And in the matter of the Darling Harbour Wharves Resumption Act 1900 And in the matter of certain land situated in Gloucester Street Sydney in the State of New South Wales which has been resumed by the Minister for Public Works aforesaid and the claim of the Venerable Archdeacon John Douse Langley and the Reverend Edward Lamperd Trustees of the Will of Mary Riley deceased to be paid the compensation money payable by the Minister for Public Works in respect of the land so resumed as aforesaid" it was ordered inter alia that the corpus of the said fund (being the resumption moneys paid for the said properties) be invested in the purchase of real estate to be conveyed to the Petitioners John Douse Langley and Philip William Dowe and their successors in the Incumbencies of the said Parishes to be held upon the same trusts as the resumed land was subject prior to resumption and further that it be referred to the Master in Equity to approve of a proper investment as aforesaid AND WHEREAS with the approval of the Master in Equity a portion of the said moneys had

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been invested in the purchase of the land and messuages described in the Schedule hereto and was on the 14th July 1905 transferred to the said John Douse Langley and to the Reverend Sydney Glanville Fielding AND WHEREAS by Declaration of Trust of the same date the said transferees declared that they and their successors in the office of Incumbencies of the said Parishes of Holy Trinity and St. Philip Sydney should thenceforth be held upon the same trusts as the said resumed land namely to receive the rents issues and profits thereof and after payment of and for all repairs taxes and outgoings to apply the residue of the said rents issues and profits for the benefit of the Church or School in the Parishes of St. Philip and Holy Trinity Sydney in equal proportions by quarterly payments AND WHEREAS an attested copy of such Declaration of Trust was filed in the Land Titles Office Sydney No. 6015 AND WHEREAS by Transfer dated 12th September 1910 the said land was transferred by the said John Douse Langley and Sydney Glanville Fielding to the Venerable Archdeacon Gerard Addington D'Arcy Irvine Incumbent of Holy Trinity Church and the Reverend Canon Arthur Edwin Bellingham Incumbent of St. Philip's Church subject to the said Declaration of Trust as aforesaid AND WHEREAS the said Gerard Addington D'Arcy Irvine died on the 18th April 1932 and the said Arthur Edwin Bellingham died on the 19th January 1927 AND WHEREAS the land described in the said Schedule is Church Trust Property held for the sole benefit of the Parishes of St. Philip Sydney and Holy Trinity Sydney subject to the trusts set forth in the hereinbefore recited Declaration of Trust AND WHEREAS by a resolution of Standing Committee passed on 30th August 1954 Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) was appointed as a trustee thereof in the place of the said deceased trustees AND WHEREAS it is expedient to sell the said land and to invest the net proceeds thereof in such investments as the Corporate Trustee may determine in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Directs as follows:—

1. By reason of circumstances subsequent to the creation of the trusts upon which the said land is held it is expedient to sell the said land.

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2. The said land may be sold by public auction or private contract at such time or times at such price and upon such terms and conditions as the said Corporate Trustee may deem expedient free from the trusts aforesaid.

3. The moneys arising from the said sale after deducting therefrom all rates and other outgoings properly chargeable against the said land and all costs and expenses of and incidental to this Ordinance and the sale and transfer in pursuance thereof including an application for a provisional Certificate of Title shall be invested by the Corporate Trustee in any one or more of the investments authorised by the "Investment of Church Trust Property Ordinance 1944."

4. The income arising from the money invested as hereinbefore provided shall be paid in equal proportions at not less than six monthly intervals to the Churchwardens of the Parishes of St. Philip Sydney and Holy Trinity Sydney to be applied by them as parochial church funds within the meaning of the Sydney Church Ordinance 1912 or any Ordinance amending or taking the place of the same

5. This Ordinance shall be styled and cited as "St. Philip's Sydney and Holy Trinity Sydney Sale Ordinance 1954."

SCHEDULE.

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All that piece of land situated at Cremorne in the Municipality of Mosman Parish of Willoughby County of Cumberland containing 20 perches being Lot 37 Section 1 D.P. 3909 having a frontage of 40' to Spencer Road being the whole of the land comprised in Certificate of Title Volume 1592 Folio 146.

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

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 on the 26th day of November, 1954.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

1/12/1954.