
*Board of Education (Leura Land) Variation of Trusts
Ordinance 1951.*

No. 10, 1951.

AN ORDINANCE to vary the trusts of certain land at Leura in the Parish of Jamieson County of Cook.

WHEREAS by Memorandum of Transfer dated 24th July, 1944, made between the Executors of the Will of the late Edric Hubert Brady as Transferors, Mary Elizabeth Austin and Ada Agnes Austin as directing parties and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) as Transferee the land comprised in Certificate of Title Volume 5405 Folio 1 situated at Leura in the Parish of Jamieson County of Cook was transferred to the said Corporate Trust. AND WHEREAS by Indenture of Settlement dated 7th September, 1944, made between the said Mary Elizabeth Austin and Ada Agnes Austin therein called Settlers on the one part and the said Corporate Trust therein called Trustee of the other part it was declared that the said Memorandum of Transfer had been executed to the intent that the said land should be held by the Corporate Trust upon the trusts and with and subject to the powers and provisions hereinafter expressed to wit that the said land, the net proceeds of sale in the event of the sale of any part or parts thereof and the investments thereof and the income from time to time arising either from the trust premises and proceeds of sale or investment thereof should be held upon trust for the Board of Education and of the Church of England in the Diocese of Sydney to be used and applied for such of the purposes of that Board as it may in pursuance of its functions and powers as prescribed by "The Board of Education Ordinance 1919" or any other Ordinances amending the same or in substitution therefor, from time to time determine. AND WHEREAS part of the said land, viz., Lot 28, D.P. 4224, has been sold and the net proceeds thereof amounting to Ninety-four pounds Four shillings and Sixpence (£94 4s. 6d.), are held by the Corporate Trust. AND WHEREAS the residue of the said land and any proceeds of sale of any part or parts thereof more particularly described in the Schedule hereto is Church Trust Property. AND WHEREAS at the time of the execution of the said Indenture of Settlement and organisation known as the Church of England Fellowship Diocese of Sydney was under the control and direction of the Board of Education Diocese of Sydney. AND WHEREAS provision was made for the furtherance of youth work of the Church in the Diocese of Sydney by "The Youth Department

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Ordinance of 1949" and the said Church of England Fellowship is now under the control and direction of the Council of the Youth Department of the Diocese of Sydney. AND WHEREAS it is inexpedient to carry out or observe such trusts upon which the residue of the said land and proceeds of sale of any part or parts thereof are now held. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said trusts upon which the land and any proceeds of sale of part or parts thereof as more particularly set out in the Schedule hereto are held it has become inexpedient to carry out or observe the same to the extent to which they are hereinafter varied.

2. The said trusts are hereby varied to permit the said land and the proceeds of sale of any part or parts thereof and the investments representing the same and the income from time to time hereafter arising from the said land or the proceeds of sale or the investments thereof to be held used and applied for the purposes of the Church of England Youth Department within the Diocese of Sydney in accordance with the provisions of "The Youth Department Ordinance of 1949" or any Ordinance amending the same or in substitution therefor.

3. Nothing in this Ordinance shall be deemed to vary modify or rescind the powers and provisions contained in the said recited Indenture of Settlement dated the 7th day of September, 1944, except in so far as hereinbefore expressly set out.

4. This Ordinance may be styled and cited as "Board of Education (Leura Land) Variation of Trusts Ordinance 1951".

SCHEDULE.

(1) Land at Leura Parish of Jamieson County of Cook being Lots 8, 9, 10, 20 to 24 inclusive and 33 to 39 inclusive Deposited Plan 4224 being the residue of the land comprised in Certificate of Title dated 15th December, 1943, Volume 5405, Folio 1.

(2) Net proceeds of sale of Lot 28 Deposited Plan 4224 as follows:—

Commonwealth Treasury Bonds £90 3½% 15.10.63
Cash in hand £4 4s. 6d.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 28th day of May, 1951.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

30/5/1951.