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*"The Christ Church St. Lawrence Sydney Church Rectory  
and School Ordinance 1932 Amendment Ordinance 1935."*

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No. 12, 1935.

AN ORDINANCE to amend "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932."

WHEREAS "The Christ Church St. Lawrence Sydney Resumptions Ordinance 1929" (No. 9, 1929) authorised the Church of England Property Trust Diocese of Sydney (hereinafter called the Trust) to receive and give discharges for certain compensation moneys which had been paid into the Equity Court including (inter alia) money paid in respect of certain lands which had been used for purposes of a school or schools AND WHEREAS the trusts of the said lands were as follows namely:—

Three allotments of land at the corner of Pitt Street Gipps (now Barlow) Street and Parker Lane which were vested in the Church of England Property Trust Diocese of Sydney and held upon the respective trusts following:—

- (1) FIRST ALLOTMENT. Immediately adjoining and to the North of land originally granted as a site for the Church granted UPON TRUST for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established.
- (2) SECOND ALLOTMENT. Immediately adjoining and to the North of the First allotment granted UPON TRUST for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established.
- (3) THIRD ALLOTMENT. Immediately adjoining and to the North of the Second allotment granted UPON TRUST for the erection thereon of a School House to be used as a Grammar School in the Parish of St. Lawrence in connection with the United Church of England and Ireland as by law established.

AND WHEREAS by "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932" (No. 5 of 1932) provision was made for application of the income from the said School Compensation money and the investments thereof.

AND WHEREAS it is expedient to amend "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932" in the manner hereinafter appearing.

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AND WHEREAS the Rector and Wardens of Christ Church have always used the school buildings on the said lands for Parish purposes and the Rector and Wardens of Christ Church never had so far as is known or can be ascertained any Parish Hall in their possession or occupation, other than the said buildings AND WHEREAS upon the resumption of the aforesaid allotments of land in 1904 the Church Property Trust in whom the said land was then vested represented to the Court that the present site close to the Church was the most suitable site available for the school and obtained orders authorising the purchase of the site and building of the school which were carried out and the site then purchased and building there erected are the premises dealt with in this Ordinance AND WHEREAS the Rector and Wardens thereafter used and for a long time continued to use the said school building for parochial purposes as well as for a long period for school purposes and claim a prescriptive right and an equitable right so to use the school buildings AND WHEREAS the Church Property Trust in which the said land is vested is advised and no such rights exist in law and the schools have now been closed.

This Synod having considered the matter and having regard to the history and use of the schools and the said buildings and Parochial requirements holds it to be proper to provide a Hall for Parochial purposes on part of the site of the land while treating some part of the said land as in the absence of the school no longer required for church purposes in the parish of Christ Church in the civil parish of St. Lawrence and there being no Parish Council in the Parish of Christ Church the Rector and Wardens of Christ Church consenting thereto this 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 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 declares ordains and directs as follows:--

1. By reason of circumstances subsequent to the creation of the Trusts of the property represented by the School Compensation Money and the balance of the said moneys now standing to the credit of the said Trust it has become impossible or inexpedient to carry out or observe such trusts so far as the same are inconsistent with the provisions of this Ordinance.

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2. "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932 is hereby amended as follows:—

In Clause 1 (b) line 2 the word "half" is omitted and the words "one-third" are substituted therefor,

In Clause 2 (b) line 2 the word "half" is omitted and the words "one-third" are substituted therefor.

In Clause 3 the following new Sub-Clause shall be added:—

- (d) Out of the said School Compensation Money shall be paid one-third of the costs of and incidental to the present Ordinance as also of and incidental to all work occasioned in obtaining Counsel's opinion.

The provisos to Clause 3 Sub-Clause (c) shall be superseded by the following proviso namely:—

Provided that notwithstanding the preceding provisions of this clause the Standing Committee may by resolution direct that out of the income mentioned in the said third section parts may be applied as follows:—

- (a) In the payment to Mr. Ernest Gottfried Jacobs (for 38 years the School Master of the School carried on at Christ Church) a sum at the rate of £100 per annum to commence from the thirty-first day of January 1935 and to be continued during the pleasure of the Standing Committee.
- (b) In the payment of insurance rates and taxes electric lighting repair and upkeep of the school premises pending the sale hereinafter mentioned.

3. The Trust pending the said sale of the said premises may permit the Rector and Churchwardens of the Parish of Christ Church to use the same for such purposes and subject to such terms and conditions and for such periods not exceeding one year at a time as the Standing Committee by resolution with power to vary the same shall from time to time direct.

4. The Trust is hereby authorised to sell at any time after the first day of October 1937 the said School premises representing part of the School Compensation money at such time or times at such price and on such terms and conditions including special terms for payment of the purchase money as the Standing Committee by resolution with power to vary the same shall from time to time direct provided however that there shall be reserved from the said sale a parcel of land for a Parish Hall for Parochial purposes for the Parish of Christ Church comprising so much of the School land as lies south westerly of a line parallel to and

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forty feet from the lane from Pitt Street along the north eastern boundary of the school land thereby leaving for such sale a block of land having a frontage of forty feet to Pitt Street and running back to a lane at the rear in a line parallel to the north eastern boundary line of the said land.

5. The Trust shall apply part of the nett proceeds of the said sale in the erection of the said Hall hereinbefore referred to at such cost and in such manner in all respects as the Standing Committee (after consultation with the Rector and Churchwardens of Christ Church) by resolution with power to vary the same shall from time to time direct.

6. The Trust may apply parts of the balance of the school compensation money for the purposes following that is to say:—

- (a) In or towards the purchase of a building and premises suitable for a hostel for University Students to be carried on under a constitution provided by ordinance of Synod.
- (b) In or towards the further establishment financially of the Moss Vale Branch of the Sydney Church of England Girls' Grammar School at such times in such amounts and in such manner as the Standing Committee by resolution with power to vary the same shall from time to time direct.

7. The balance of the proceeds of sale of the said premises shall be added to and become subject to the same trusts and provisions as the balance of the School Compensation Money.

& This Ordinance may be styled and cited as "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932 Amendment Ordinance 1935."

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

R. C. ATKINSON,

Chairman of Committees.

We certify that this Ordinance was passed this Twenty-seventh day of September, 1935.

S. H. DENMAN

HARINGTON B. COWPER

} Secretaries of  
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

30th September, 1935.