
Holy Trinity Church Sydney Sutton Forest Resumption Claim.

No. 9. 1928.

AN ORDINANCE to authorise the Church of England Property Trust Diocese of Sydney to receive from the Minister for Public Works the amount of compensation money to be paid by the Crown in respect of the resumption by the Crown of certain land situated at Sutton Forest County of Camden State of New South Wales and to declare the trusts upon which the said compensation money shall be held.

WHEREAS by Indenture of Conveyance dated the second day of January one thousand eight hundred and forty from the Reverend William Cowper to the Lord Bishop of Australia the lands and premises described in the schedule hereto were conveyed to the said Bishop of Australia and his successors upon trust that the said Bishop of Australia and his successors should demise and let the said piece or parcel of Land hereditaments and premises with all and singular its appurtenances to such person or persons and for such term of years and upon such conditions as might appear to him or them adviseable and should apply and pay the Rents and Issues thereof less the charges incurred in collecting the said Rent and managing the said Trust to the maintenance and support of the officiating Minister for the time being of the said Church of the Holy Trinity (in the said Conveyance before referred to as a Church for the celebration of the Public Worship of Almighty God according to the uses of the United Churches of England and Ireland as by Law established then in the Course of Erection in the Parish of Saint Philip in the Town of Sydney to be called the Church of the Holy Trinity) until the same should exceed the annual sum of Five hundred Pounds and should pay and apply any excess of Rent that might thereafter arise to the construction support and maintenance of any school or schools within the said Parish of Saint Philip which might be under the Control or Superintendance of the Officiating Minister for the time being of the said Church of the Holy Trinity or otherwise

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in connexion with the said United Church of England and Ireland as then by Law established and of the masters Mistresses and Teachers of such school or schools for the time being AND WHEREAS by Notice of Resumption dated the twenty-fifth day of October one thousand nine hundred and twenty-seven it was thereby declared that the said land was thereby resumed for the purpose of the Main Roads Act 1924 and the said land was thereby vested in the Main Roads Board of New South Wales AND WHEREAS the said Notice of Resumption was duly published in the Government Gazette of date the fourth day of November one thousand nine hundred and twenty-seven and thereupon such land became vested in the Main Roads Board of New South Wales for an estate in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights of way and other easements whatsoever AND WHEREAS in pursuance of the Public Works Act 1912 the Archbishop of Sydney caused the prescribed Notice of Claim to be served upon the Minister for Works and the Crown Solicitor AND WHEREAS the interest of the Archbishop of Sydney in the said land has been valued by the Valuer-General at the sum of three hundred and thirteen pounds ten shillings (£313/10/-) AND WHEREAS the Main Roads Board has had the use of the said land under a permission to enter as from the twenty-sixth day of November one thousand nine hundred and twenty-five and it has been agreed by the Minister for Public Works that interest should be paid on the said resumption moneys as from the date of such permission to enter AND WHEREAS by Deed of Consent dated the thirteenth day of December one thousand nine hundred and twenty-seven the Archbishop of Sydney did thereby consent that the moneys to be paid as compensation as aforesaid should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney subject to the trusts in the hereinbefore recited Conveyance expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS by reason of the said resumption which is a circumstance subsequent to the creation of the trusts to which the said lands were for the time being subject it has become impossible to carry out and observe such trusts AND WHEREAS it is expedient that the

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Church of England Property Trust Diocese of Sydney should be authorised to receive the amount of compensation money and interest thereon to be paid by the Crown in the matter of the said resumption and that powers should be conferred upon the said Trust to apply the same in manner hereinafter appearing 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 Ordinance Procedure and Delegation of Powers Ordinance 1926 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 in the State of New South Wales and of all other powers thereunto enabling it in the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the hereinbefore mentioned trusts it has become impossible or inexpedient to carry out or observe such trusts in so far as the said trusts are hereby varied.

2. The Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) is hereby authorised to receive from the Crown the amount of compensation money and interest thereon to be paid by the Crown as compensation in respect of the resumption of the land described in the schedule hereto and the receipt of the said Trust shall effectually discharge the Crown from being concerned to see to the application of the said moneys or being answerable for the loss or misapplication thereof.

3. The said moneys after payment thereof of all outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to the resumption notice of claim the ascertainment of the value of the said land and all costs charges and expenses of and incidental to this Ordinance shall be held upon trust to pay to the Minister for the time being of the Church of Holy Trinity Sydney formerly in the Parish of Saint Philip Diocese of Sydney the nett income arising from the investment of the said moneys and all interest payable by the Crown on the resumption moneys as from the twenty-sixth day of November one thousand nine hundred and twenty-five.

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4. The said moneys held upon such trust may be invested in any one or more of the investments following; that is to say:—

- (a) Purchase of real estate.
- (b) Any public funds or Government stock or Government security bonds debentures inscribed stock or Treasury Bills of or guaranteed by the Federal Government or the Government of any State in the Commonwealth of Australia.
- (c) First mortgage on real property situated within the Commonwealth
- (d) Stocks funds or securities in or upon which, by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested.
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (f) Municipal debentures of any State capital.
- (g) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth.
- (h) Deposits in any Government Savings Bank within the Commonwealth.
- (i) Fixed deposits in any Bank carrying on business in the State of New South Wales

and the Trustees may from time to time vary or release or raise money on the security of such investments.

5. This Ordinance may be cited as "Holy Trinity Church Sydney Sutton Forest Resumption Claim Ordinance, 1928."

SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Shire of Wingecarribee, Parish of Sutton Forest, County of Camden, and State of New South Wales, being part of portion 9, comprised in deed register book BZ No. 203; Commencing at the intersection

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of the south-eastern side of the Main Southern Road with the South-eastern side of the road 100 links wide, from Paddy's River to Sutton Forest; and bounded thence on the North-west by the South-eastern side of the last mentioned road, bearing North-easterly 4765 links to the North-western corner of portion 10; on the East by part of the Western boundary of that portion, bearing Southerly 1340 links; on the South by the Southern boundary of the land comprised in the aforesaid deed, bearing Westerly 4848 links to the South-eastern side of the Main Southern Road aforesaid; and on the North-west by that side of that road, bearing North-easterly 760 links, to the point of commencement, having an area of 52 acres 1 rood or thereabouts.

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

W. J. G. MANN,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of June, 1928.

C. R. WALSH,
Secretary.

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

28th June, 1928.