

*Narrabeen Resumption.*

10/1915

AN ORDINANCE to authorise The Church of England Property Trust Diocese of Sydney (hereinafter called "The Property Trust") to receive from the Crown or the Constructing Authority or out of Court the respective compensation moneys to be paid by the Crown or the said Constructing Authority in respect of the respective resumptions of certain lands forming the respective sites of St. Faith's Church and Parsonage Narrabeen and also to declare the trusts upon which the said respective compensation moneys shall be held.

WHEREAS by an Indenture of Conveyance dated the twenty-ninth day of October 1896 (Registered No. 780 Book 591) made between Edward Augustus Macpherson of the one part and The Property Trust of the other part certain land situate in the Parish of Manly Cove and County of Cumberland and more particularly described in the First Schedule hereto was assured unto and to the use of The Property Trust their successors and assigns upon trust to permit a Church to be erected on the said land to be called " " and to be subject to the regulations (so far as they were applicable) contained in "The Sydney Church Ordinance 1892" or in any other Ordinance altering or modifying the first mentioned Ordinance AND WHEREAS by another Indenture of Conveyance also dated the twenty-ninth day of October 1896 (Registered No. 781 Book 591) made between the said Edward Augustus Macpherson of the first part Edward Hume Macpherson thereafter called Trustee of the second part Joseph Lucas Bosworth of the third part and The Property Trust of the fourth part certain other land also situate in the said Parish of Manly Cove and more particularly described in the Second Schedule hereto was assured unto the Trustee and his heirs to the use of the said Joseph Lucas Bosworth and his assigns during the term of his natural life and from and after his decease to the use of The Property Trust their successors and assigns upon trust to permit a Clergyman's residence or parsonage to be erected on the said land and to

*Narrabeen Resumption.*

be subject to the Regulations (so far as they might be applicable) contained in "The Sydney Church Ordinance 1892" or in any other Ordinance altering or modifying the first mentioned Ordinance AND WHEREAS the said Joseph Lucas Bosworth died on the twentieth day of March 1909 AND WHEREAS by two respective Notifications respectively dated the twelfth day of February 1913 the respective lands described in the said Notifications and being the whole of the respective lands described in the First and Second Schedules hereto were taken and appropriated under the "Public Works Act 1912" by the Constructing Authority named in the said respective Notifications for the public purpose mentioned in the said respective Notifications AND WHEREAS The Property Trust caused Notices of their claim for compensation in respect of the taking of the said respective lands described in the First and Second Schedules hereto to be served upon the said Constructing Authority and the Crown Solicitor AND WHEREAS the respective compensation moneys to be paid for the taking of the respective lands described in the said First and Second Schedules hereto have been fixed and agreed by The Property Trust with the said Constructing Authority as regards the lands described in the First Schedule at the sum of £621 10s. and as regards the lands described in the Second Schedule at the sum of £390 10s. AND WHEREAS by reason of the said respective resumptions it has become impossible to carry out or observe the respective particular purposes to which the said respective lands and hereditaments described in the respective First and Second Schedules hereto are by such respective trusts as aforesaid devoted AND WHEREAS it is expedient that The Property Trust should be authorised to receive the respective amounts of compensation money and interest thereon to be paid by the Crown or the said Constructing Authority in the matter of the said respective resumptions and that powers should be conferred upon The Property Trust to apply or to invest the same and any income derived therefrom in the manner hereinafter appearing NOW THEREFORE the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

*Narrabeen Resumption.*

1. In the construction and for the purpose of this Ordinance the following expressions shall bear the respective meanings set against them viz:—

“The Property Trust.” The Church of England Property Trust Diocese of Sydney.

“Parish Authority.” The body empowered under the provisions of the “Sydney Church Ordinance 1912” to control funds and property of the Church of St. Faith Narrabeen.

“The Church Compensation Money.” The money paid or payable as compensation for the resumption of the lands described in the First Schedule hereto.

“The Rectory Compensation Money.” The money paid or payable as compensation for the resumption of the lands described in the Second Schedule hereto.

2. By reason of the circumstances before recited which have occurred since the creation of the said respective recited trusts it has become impossible or inexpedient to carry out or observe as to the lands described in the First and Second Schedules hereto the respective particular purpose or purposes to which the said lands were by the said respective trusts devoted.

3. The Property Trust are hereby authorised to receive from the Crown or the Constructing Authority the respective amounts of The Church Compensation Money and The Rectory Compensation Money or in the event of the said respective compensation moneys and interest being paid into Court The Property Trust are hereby authorised to receive the same from the Master in Equity with all interest due thereon.

4. The Property Trust are hereby authorised to give and execute effectual receipts and releases for the respective amounts of such compensation moneys and interest and the receipt or receipts of the Property Trust shall effectually discharge the Crown or the Constructing Authority or the Master in Equity from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof or any part thereof.

5. The Property Trust shall hold the said respective Church Compensation Money and Rectory Compensation Money as and

---

*Narrabeen Resumption.*

---

when the same shall be received by them upon the respective trusts and shall in respect thereof have the powers and authorities hereinafter set forth namely:—

- (a) To pay and discharge in pro rata proportions according to the respective amounts of the said Church Compensation money and Rectory Compensation Money all costs and expenses incurred in and about the said respective resumptions and the preparation and completion of these presents and also all costs and expenses which may be incurred in or about the obtaining payment by the Property Trust of the said Church Compensation Money and Rectory Compensation Money.

6. The balance of the Church Compensation Money shall be applied by The Property Trust.

- (b) In expending and applying so much thereof as the Parish Authority with the consent of the Archbishop of Sydney shall deem expedient in and about the purchase of a site for the said Church of St. Faith at Narrabeen and in erecting a Church building thereon (including legal costs and Architect's fees in connection therewith.)

- (c) In paying the rent of any temporary premises used for Church and School purposes.

7. The balance of the Rectory Compensation Money shall be applied by the Property Trust as follows:—

- (d) To expend and apply so much thereof as the Parish Authority with the consent of the Archbishop of Sydney shall deem expedient in the purchase of a site for a dwelling house with a garden and other appurtenances for the Minister duly licensed for the time being to officiate in the Church of St. Faith and in and towards the costs charges and expenses of erecting a dwelling house thereon as aforesaid including all legal costs and Architect's fees of and in connection with the said purchase and erection of building as aforesaid or in the purchase for the use of the said Clergyman of a site with a dwelling house already erected thereon together with all legal costs of and in connection with the said purchase but in the event of the said dwelling house not being

---

*Narrabeen Resumption.*

---

required as a residence for such Clergyman the same may be let by The Property Trust for any term but not exceeding the maximum term of twelve months at any one time and the income derived from such letting shall be applied in the same manner as the income derived from any investments or deposits as provided in section 9 hereof.

8. Any part of the said Church Compensation money and Rectory Compensation Money in the possession of The Property Trust and not immediately required to be applied as aforesaid may until such application be invested by The Property Trust in any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by any of the States in the said Commonwealth of Australia or on mortgage of freehold properties in any part of New South Wales with power from time to time to vary any such investments for any other or others of them and pending such investment may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney.

9. The interest accrued on the amount of the said respective compensation moneys up to the date when the same shall be received by The Property Trust (if any) and also the net income arising from any such investments or deposits as aforesaid shall be paid by The Property Trust to the Parish Authority for the time being of the said Church of St. Faith and be controlled by them as Parish Church funds and property within the meaning of "The Sydney Church Ordinance 1912" or any Ordinance or Ordinances amending or taking the place of the same.

10. This Ordinance shall be styled and cited as "The St. Faith Narrabeen Land Resumption Ordinance 1915."

---

**THE FIRST SCHEDULE.**

All that piece or parcel of land situated in the Parish of Manly Cove County of Cumberland and State of New South Wales being Lots Numbers twenty-four and twenty-five of Section thirty-two A of the Mount Ramsay Estate commencing at a point on the Western side of Victoria Street distant one thousand one hundred and fifty feet from the intersection of the Western side of Vic-

---

*Narrabeen Resumption.*


---

toria Street with the Northern side of Narrabeen Street and bounded thence on the South by the Northern boundary of Lot 23 bearing Westerly sixty-five feet to the shore of Narrabeen Lagoon thence on the West by the shore of the said Lagoon bearing Northerly to the South-west corner of Lot twenty-six on the North by the South boundary of Lot twenty-six bearing Easterly forty-one feet to Victoria Street and on the East by the West side of Victoria Street bearing South-easterly one hundred feet to the point of commencement be the said several bearings and dimensions a little more or less.

THE SECOND SCHEDULE.

All that piece or parcel of land situated in the Parish of Manly Cove County of Cumberland and State of New South Wales being Lots twenty-six twenty-seven and twenty-eight of Section thirty-two A of the Mount Ramsay Estate commencing at a point on the Western side of Victoria Street distant one thousand two hundred and fifty feet from the intersection of the Western side of Victoria Street with the Northern side of Narrabeen Street and bounded thence on the South by the Northern boundary of Lot twenty-five bearing Westerly forty-one feet to the shore of Narrabeen Lagoon thence on the West by the shore of the said Lagoon bearing Northerly to the intersection of the Eastern shore of the said Lagoon with the West side of Victoria Street and thence on the East by the West side of Victoria Street bearing South-easterly one hundred and sixty feet to the point of commencement be the said several bearings and dimensions a little more or less.

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

E. W. MOLESWORTH,  
*Chairman of Committees.*

We certify that this Ordinance was passed on 10th September, 1915.

E. CLAYDON } *Secretaries of*  
W. R. BEAVER } *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.