
*"Nathaniel George Bull Memorial Church of St. Andrew
Cronulla Purchasing Building and Sale Ordinance of 1933."*

No. 3—1933.

AN ORDINANCE to vary the trusts declared by the Will of the late Nathaniel George Bull late of Port Hacking in respect of a legacy of Two thousand five hundred pounds (£2,500) and a devise of certain land at Port Hacking AND ALSO to sell the land occupied by the Church of St. Andrew Cronulla and more particularly described in the first Schedule hereto AND ALSO to sell the land situate at Gerrale Street Cronulla and more particularly described in the second Schedule hereto AND ALSO to purchase land situate at the corner of Burraneer Bay Road Kingsway and Coronias Avenue Cronulla and more particularly described in the third Schedule hereto AND ALSO for purposes of and incidental to the before mentioned matters and for other purposes.

WHEREAS Nathaniel George Bull by his Will bearing date the first day of September One thousand nine hundred and eleven after certain bequests therein set forth bequeathed to the Trustees of the Church of England Burraneer Port Hacking aforesaid the sum of Two thousand five hundred pounds to be utilised by them in the building of a Church of England at Burraneer aforesaid such Church to be called the "Nathaniel George Bull Memorial Church" AND WHEREAS the said Nathaniel George Bull by a Codicil to his said Will bearing date the eighteenth day of October One thousand nine hundred and eleven devised the land described in the fourth Schedule hereto in manner following that is to say:—"In addition to the legacy of Two thousand five hundred pounds I bequeathed by my said Will to the Trustees of the Church of England Burraneer Port Hacking aforesaid for the erection of a Church as in my said Will mentioned I devise to the Trustees of the said Church for the purpose of erecting thereon the said Church also for the erection of a Parsonage two allotments of land each having a frontage of one hundred feet to Burraneer Road Port Hacking aforesaid by a depth of two hundred and fifty feet which said two allotments of land are situated at the south-western corner of my twenty acres of land at Port Hacking aforesaid" AND WHEREAS the said Nathaniel

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George Bull died on or about the seventh day of November One thousand nine hundred and eleven without having further altered or revoked his said Will and codicil and probate thereof was granted by the Supreme Court of New South Wales in its Probate Jurisdiction to Lewis Daniel Bull, Nathaniel George Bull and Anthony Hordern Bull the executors named therein AND WHEREAS by an order of the Supreme Court of New South Wales in its Equitable Jurisdiction dated the eleventh day of August One thousand nine hundred and twenty-one it was amongst other things set out that it appeared to the Court to be desirable that any church to be erected under or in accordance with the Trusts of the Will and Codicil of the said Nathaniel George Bull or under or in accordance with any modification thereof should be called "The Nathaniel George Bull Memorial Church" and it also appeared to the Court that the powers given to the Synod of the Diocese of Sydney by the Church of England Trust Property Act 1917 were sufficient to enable the said Synod to deal with the questions raised with relation to the erection of such Church and that it was desirable that the said questions should be determined by the said Synod rather than by the Court and that the Court did not see fit to make any order other than the Orders hereinafter contained AND THE COURT DID ORDER that the Church of England Property Trust Diocese of Sydney be and it was thereby appointed Trustee of such of the Trusts of the said Will and Codicil as relate to the bequest therein contained of the sum of Two thousand five hundred pounds for the purpose of building a Church of England at Burraneer and the devise of two allotments of land situate at Burraneer Bay Road Port Hacking (being the land described in the fourth Schedule hereto) for the purpose of erecting thereon the said Church and a Parsonage in substitution for the said Lewis Daniel Bull and Anthony Hordern Bull who consented to retire from such of the Trusts of the said Will and Codicil as related to the said bequest and devise AND THE COURT DID FURTHER ORDER that the said two allotments of land being then subject to the said trusts of the said Will and Codicil vested and the same were thereby vested in the said Church of England Property Trust Diocese of Sydney for all the estate and interest therein which was then vested in the said Lewis Daniel Bull and Anthony Hordern Bull such lands to be held by the said Church of England Property Trust Diocese of Sydney upon the said trusts of the said Will and Codicil so far as they were then subsisting and capable of taking effect AND THE COURT DID FURTHER ORDER

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that all mortgage and other debts stocks shares dividends choses in action and any interest in respect thereof subject to such of the trusts of the said Will and codicil as related to the said bequest and devise together with all rights to sue for recover and enforce or call for a transfer of the same vested and the same were thereby vested in the said Church of England Property Trust Diocese of Sydney for all the estate and interest therein which were then vested in the said Lewis Daniel Bull and Anthony Hordern Bull to be held by the said Church of England Property Trust Diocese of Sydney upon the said Trusts of the said Will and Codicil so far as they were then subsisting and capable of taking effect AND WHEREAS it has become inexpedient to build the said Church and Parsonage at Burraneer aforesaid on the site of the said two allotments of land and to utilise the said sum of Two thousand five hundred pounds, with accretions, in manner aforesaid AND WHEREAS the said sum of Two thousand five hundred pounds with accrued interest amounts to the sum of £5894 7s. 3d. AND WHEREAS it is expedient to utilise portion of the said sum and the accretions in respect thereto for the purpose of purchasing and building a Church as hereinafter mentioned on the land described in the third Schedule hereto AND WHEREAS it is expedient to hold upon trust the aforesaid two allotments of land as described in the fourth Schedule hereto in manner hereinafter appearing AND WHEREAS the land on which the Church of St. Andrew Cronulla is at present erected will no longer be required and it is expedient to sell the same such land being the whole of the land comprised in Certificate of Title dated the second day of December One thousand nine hundred and thirty-two Volume 4554 Folio 215 and more particularly described in the first Schedule hereto in respect of which the Archbishop of Sydney is registered proprietor subject to Declaration of Trust made by him bearing date the twelfth day of March One thousand nine hundred and twenty-four whereby he declared that he held the subject lands and premises upon trust to permit the same to be used for a site for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Cronulla such Declaration of Trust being registered in the Land Titles Office Sydney on the first day of April One thousand nine hundred and twenty-four Number 14165 AND WHEREAS Clarence Moss Short and William Ross Souter both of Cronulla are registered under the

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provisions of the Real Property Act 1900 as the proprietors of an estate in fee simple in certain lands comprised in Certificate of Title Registered Volume 4554 Folio 136 and being more particularly described in the Second Schedule hereto and such lands are being held by the said Clarence Moss Short and William Ross Souter upon trust to permit the same to be used for a site for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Andrew Cronulla as appears by Declaration of Trust bearing date the Twenty-sixth day of October One thousand nine hundred and thirty-one registered in the Land Titles Office Sydney Number 16438 AND WHEREAS the said lands described in the second schedule hereto are subject to a Mortgage under the provisions of the Real Property Act 1900 Registered Number B647460 bearing date the twenty-fifth day of February One thousand nine hundred and twenty-eight to William Gerard (now deceased) under which Mortgage there is owing for principal the sum of Three hundred and sixty-five pounds (£365) AND WHEREAS Permanent Trustee Company of New South Wales Limited is the Attorney in New South Wales of the Executors of the Will of the said William Gerard deceased AND WHEREAS it is expedient that the land in the first and second Schedules hereto should be sold and that provision be made for the application of the proceeds in manner hereinafter mentioned AND WHEREAS it is expedient to vary the trusts of the said Will and Codicil in manner hereinafter mentioned The Standing Committee of 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 the powers vested in it by the "Church of England Trust Property Act 1917" or otherwise ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the Trust declared by the said Will and Codicil of the late Nathaniel George Bull it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to utilise the sum of £5000 being portion of the said sum of £5894 7s. 3d. in manner hereinafter appearing.

2. The said sum of £5000 and all future accretions in respect thereof (after payment thereof of all costs charges and ex-

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penses of and incidental to this Ordinance) hereinafter designated the said Fund shall be applied by the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) upon the trusts following:—

- (a) To purchase the land described in the third schedule hereto for a sum not exceeding thirteen hundred pounds and
- (b) To hold and invest in proper investments the balance of the said Fund and all future accretions thereof after payment of all proper expenses in connection with the said purchase, and apply the same as and when the Standing Committee of the Diocese shall by resolution deem expedient in or towards the building of a Church upon the land described in the third schedule.

3. A notification in writing under the hand of the Registrar of the Diocese of the resolution of Standing Committee referred to in clause two of this Ordinance shall be sufficient notice to the Trust of such resolution; and the receipt of the Rector and Churchwardens for the time being of the Parish of St. Andrew Cronulla shall be sufficient discharge for any payments made by the Trust in pursuance of the trusts set out in this Ordinance.

4. The said Church shall be called the Nathaniel George Bull Memorial Church of Saint Andrew Cronulla in memory of the late Nathaniel George Bull.

5. The said Trust be and is hereby authorised to hold in trust the said land described in the fourth Schedule hereto as a site for such building or buildings as may be required in connection with the Church of England in the Parish of St. Andrew Cronulla.

6. The said Trust be and is hereby authorised to purchase the land described in the third Schedule hereto and that the title of the said land shall be vested in the said Trust and held by it as Church Trust Property upon trust to permit the same to be used for a site for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the parish of Cronulla.

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7. The said Trust be and is hereby authorised to hold and invest in proper investments the sum of £804 7s. 3d. and all future accretions in respect thereof and pay therefrom all rates and taxes and proper outgoings on the land described in the fourth Schedule hereto and hold the balance in or towards the erection on the said land of such building or buildings as may be required in connection with the Church of England in the Parish of St. Andrew, Cronulla.

8. Until such time as the Standing Committee shall resolve as hereinbefore set out the said Trust be and it is hereby authorised to apply any receipts rents and profits accruing from the land described in the third Schedule after payment of all rates and taxes thereon for the purpose set out in Clause 2 (b) of this Ordinance and the said Trust be and it is hereby authorised to make such payments from time to time from the balance of the said Fund referred to in Clause 2 of this Ordinance as may be necessary to pay such rates and taxes.

9. By reason of circumstances subsequent to the creation of the recited Trust in respect of the land described in the first and second Schedules hereto it has become expedient to sell such land in manner hereinafter appearing.

10. The said Archbishop of Sydney (hereinafter designated the Trustee) be and he is hereby authorised to sell the land described in the first Schedule hereto by Public Auction or Private contract and either as a whole or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the Trustee may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the Trustee is hereby authorised to execute and do all such transfers assurances receipts and things as he shall deem proper.

The proceeds of the sale of the land mentioned in the first Schedule hereto shall be applied as follows:—

- (a) To pay all money owing to the Home Mission Society.
- (b) To pay the cost of removal of such buildings as are required to be removed therefrom.

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- (c) Any surplus remaining after the before mentioned objects have been satisfied to be held by the said Trust and applied by it in or towards the erection of a Parish Hall and/or such other building or buildings as may be required in connection with the Church of England in the Parish of St. Andrew Cronulla and all costs charges and expenses arising thereout.

11. The said Clarence Moss Short and William Ross Souter or other trustee or trustees for the time being in respect of the land in the second Schedule hereto (hereinafter designated the Trustees) be and they are hereby authorised to sell the land described in the second Schedule hereto by Public Auction or Private Contract and either as a whole or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the Trustees may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the Trustees be and they are hereby authorised to execute and do all such transfers assurances receipts and things as they shall deem proper the proceeds of the sale of the said land being applied as follows:—

(A) To discharge the Mortgage held by the Permanent Trustee Company Limited as set out in the St. Andrew Cronulla Land Sale Ordinance 1932 and all costs and charges and expenses arising thereout.

(B) To pay the surplus to the said Trust and to be applied by it as follows:—

- (a) In or towards discharging the liabilities in connection with the Church of St. Andrew in the Parish of Cronulla.
- (b) In or towards providing a Rectory in connection with the Church of St. Andrew in the Parish of Cronulla.
- (c) Any further surplus remaining after the before mentioned objects have been satisfied to be invested by the said Trust in proper investments and the income applied in or towards the Insurance and maintenance of the new Church to be erected on the land described in the third Schedule hereto.

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12. Any apportionment of the investments herein by the said Trust shall be conclusive.

13. This Ordinance shall be styled and cited as the "Nathaniel George Bull Memorial Church of St. Andrew Cronulla Purchasing Building and Sale Ordinance of 1933."

THE FIRST SCHEDULE REFERRED TO.


ALL THAT piece or parcel of land situate at Cronulla in the Shire of Sutherland Parish of Sutherland containing one rood thirty-one perches and being the whole of the land comprised in Certificate of Title dated the second day of December One thousand nine hundred and thirty-two Volume 4554 Folio 215.

THE SECOND SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate at Cronulla Shire of Sutherland Parish of Sutherland containing thirty-five and one-half perches being the whole of the land comprised in Certificate of Title dated the Thirtieth day of November One thousand nine hundred and thirty-two Volume 4554 Folio 136 and being part of Lots 6 and 7 as per Deposited Plan 5001.

THE THIRD SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate at Cronulla in the Shire of Sutherland Parish of Sutherland, being the whole of the land comprised in Certificate of Title dated the Eighteenth day of November One thousand nine hundred and twenty-one Volume 3253 Folio 41 and being Lots 1 and 1 (a) of Section A as per Deposited Plan Number 6419 ALSO all that piece or parcel of land situate at Cronulla Shire of Sutherland Parish of Sutherland containing 1 rood 2½ perches being the whole of the land comprised in Certificates of Title dated the twelfth day of May One thousand nine hundred and thirty Volume 4402 Folios 60 and 61 and being Lot 2 Section A on Deposited Plan Number 6419,



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THE FOURTH SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land containing by admeasurement one acre twenty-three and one-half perches or thereabout situate in the Shire of Sutherland Parish of Sutherland County of Cumberland State of New South Wales and being the whole of the land comprised in Certificate of Title dated the twentieth day of June one thousand nine hundred and twenty-two Volume 3327 Folio 155.

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

WALTER S. GEE,
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-eighth day of August, 1933.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

S. J. KIRKBY,
Bishop, Administrator.

30th August, 1933.