

*Pymont Resumption.*

12/1915

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 Minister for Public Works or out of Court the amount of compensation money to be paid in respect of the resumption by the Crown of certain land situate at Pymont near Sydney and held upon Trust for the support and benefit of the Church of St. Bartholomew Pymont aforesaid and also to declare the trusts upon which the said compensation money shall be held.

WHEREAS Richard Cripps formerly of Pymont near Sydney deceased being at the date of his Will hereinafter recited and at the time of his decease seised of certain land situate at Pymont aforesaid and forming part of 55 acres originally granted to one Thomas Jones and of which the land described and comprised in the Schedule hereto forms part duly made his last Will and Testament dated the sixteenth day of August 1851 whereby he gave and devised all the real estate belonging to him at his decease unto his wife Sarah Cripps for her life and after her decease (except as to certain properties not affecting the land described in the Schedule hereto) unto the Bishop of Sydney his successors and assigns for ever for the support and benefit of the Church called St. Bartholomew's Church situate at Pymont aforesaid and of the Minister or Incumbent for the time being of the said Church And the Testator appointed his said Wife Executrix of his said Will AND WHEREAS the said Testator died on the twenty-sixth day of July 1852 and on the twenty-eighth day of August 1852 Probate of the said Will was granted to Sarah Cripps the Widow of the deceased as such Executrix as aforesaid by the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction AND WHEREAS the said Sarah Cripps died on the fifteenth day of September 1879 AND WHEREAS by a Deed Poll or Declaration of Trust bearing date the twelfth day of November 1891 (Registered No. 2580 in the Land Titles Office Sydney) under the hand and seal of the Most Reverend William Saumarez Smith the then Bishop of Sydney

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after reciting (inter alia) that the said Bishop had made application under the Crown Lands Alienation Act 1861 to reclaim and purchase a certain piece of land containing twenty-five perches or thereabouts situate at Jones Bay Parish of St. Andrew (being part of the said land described and comprised in the Schedule hereto) the said William Saumarez Smith as such Bishop as aforesaid did thereby declare that he would hold the said twenty-five perches of land when so granted upon and subject to the trusts declared in and by the hereinbefore recited will of the said Richard Cripps in regard to the land thereby devised to the Bishop of Sydney as aforesaid AND WHEREAS the said William Saumarez Smith as such Bishop as aforesaid was duly registered under the provisions of the Real Property Act as the proprietor of an estate in fee simple in the said twenty-five perches of land under and by virtue of Crown Grant dated twenty-ninth December 1891 Registered Volume 1049 Folio 135 subject to the said recited Declaration of Trust of the twelfth day of November 1891 AND WHEREAS by Notification of Resumption dated the seventeenth day of March One thousand nine hundred and eleven and published in the Government Gazette on the twenty-ninth day of March 1911 the lands described in the said Notification and which comprised amongst other lands the land described in the Schedule hereto were in pursuance of the provisions contained in Division 1 of Part V. of the "Public Works Act 1900" appropriated and resumed for the public purposes mentioned in such notification AND WHEREAS at the date of publication of the said Notification of Resumption The Most Reverend John Charles Wright Archbishop of Sydney as the then Bishop of Sydney was (subject to a certain Lease dated the twenty-seventh December 1888 Registered No. 315 Book 407 to Arthur Latimer McCredie and George McCredie) entitled to become registered as the proprietor of the said twenty-five perches of land comprised in Crown Grant Volume 1049 Folio 135 and was also entitled to an estate in fee simple (subject to the above mentioned Lease) in the said land devised by the hereinbefore recited Will of Richard Cripps deceased AND WHEREAS by Deed Poll bearing date the eighteenth day of September 1911 under the hand and seal of the said Archbishop of Sydney the said Archbishop did thereby consent to and declare that the compensation money and interest payable by the Crown in respect of the said resumption should thenceforth become and be vested in The Property Trust its successors

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and assigns subject to and upon the Trusts of the said recited Will of Richard Cripps or so much of the same as were still subsisting and capable of taking effect. AND WHEREAS it has been agreed between the Minister for Public Works and the said Property Trust and Archbishop that the sum of £4500 will be taken and accepted in full payment and satisfaction for the value of the estate and interest of the Property Trust and Archbishop of and in the said parcel of land set out in the said Schedule hereto and of all claims in respect thereof AND WHEREAS by reason of the said resumption it has become impossible to carry out or observe the particular purposes to which the said land and hereditaments described in the Schedule hereto are by the hereinbefore in part recited Will and the said recited Declaration of Trust of the twelfth day of November 1891 devoted AND WHEREAS it is expedient that The Property Trust 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 Property Trust to apply or to invest the same 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 "Sydney Bishopric and Church Property Act 1887" and the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

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

"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" or any Ordinance amending or taking the place of the same to control the funds and property of the said Church of St. Bartholomew.

"The Resumption Money." The money paid or payable as compensation for the resumption of the land described in the Schedule hereto.

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2. By reason of the circumstances before recited which have occurred since the creation of the said trust it has become impossible to carry out or observe the particular purpose or purposes to which the said land described in the Schedule hereto was by such trust devoted.

3. The Property Trust is hereby authorised to receive from the Crown or the Minister for Public Works or from any other authority liable to pay the same the resumption money with all interest payable in respect of the same or in the event of the resumption money being paid into Court The Property Trust is hereby authorised to receive the same from the Master in Equity with all interest accrued due thereon.

4. The Property Trust is hereby authorised to give and execute effectual receipts and releases for the resumption money and interest and the receipt of The Property Trust shall effectually discharge the Minister for Public Works or the Master in Equity from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.

5. A sum not exceeding seven hundred and fifty pounds part of the resumption money may be applied by The Property Trust with the consent of the Archbishop of Sydney in and towards all or any of the following purposes:—

- (a) In paying and discharging all costs and expenses incurred in and about the said resumption and these presents and also all costs and expenses which may be incurred in or about the obtaining payment by The Property Trust of the compensation money and in the execution of the trusts hereby declared.
- (b) In expending and applying so much of the said sum as The Property Trust shall with the consent of the Archbishop deem expedient in paying the whole or portion of any sums advanced by the Home Mission Society for and on account of Stipend to the Rector of the parish of St. Bartholomew and in paying the arrears of Stipend due to the Rector and the previous Rector of the Parish of St. Bartholomew and in repairing and renovating the Church Building and the Rectory and School Hall of the said Parish and in paying the arrears of Synod Assessment and Registry Expenses.

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- (c) In restoring to the fund from which the same was borrowed or advanced the amount paid for Land Tax on the land resumed.
- (d) After paying or providing for the payment of the respective amounts hereinbefore authorised by sub-clauses (a) (b) and (c) hereof to expend and apply the balance of the said sum for the benefit of and in payment of any claims against the Parish of St. Bartholomew not exceeding seven hundred and fifty pounds in such manner as The Property Trust with the consent of the Archbishop of Sydney may think desirable or expedient.

6. The balance of the resumption money not required for the purposes aforesaid may from time to time until otherwise determined by Synod be invested by The Property Trust in the purchase of freehold messuages lands or hereditaments in the State of New South Wales or in or upon any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States of the said Commonwealth or of or guaranteed by the Government of New Zealand or on mortgage of freehold properties in any part of New South Wales with power upon the like application to vary any such investments for any other or others of them and pending such investments 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.

7. Any interest which may remain in the hands of The Property Trust including any interest on resumption money and also the net income arising from any such deposits or investments as aforesaid shall be paid by The Property Trust to the Parish Authority for the time being of the said Church of St. Bartholomew and be applied by them in the first instance in paying and discharging the Assessment for Synod and Registry Expenses and insuring Parish Church property against loss by fire and any other pecuniary obligations imposed by any Ordinance of Synod upon the parish of St. Bartholomew or the Clergyman licensed thereto and the balance of the said interest shall be controlled by them as Parish Church funds

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and property within the meaning of the "Sydney Church Ordinance 1912" or any Ordinance or Ordinances amending or taking the place of the same.

8. This Ordinance shall be styled and cited as "The St. Bartholomew's Pymont Land Resumption Ordinance 1915."

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 THE SCHEDULE.

All that piece or parcel of land containing an area of one rood seventeen and a half perches or thereabouts situate at Mill Street Jones Bay Pymont City of Sydney Parish of Saint Andrew County of Cumberland commencing on the limit line for reclamations at the Easternmost corner of an alienated reclamation area of twenty-five perches shewn on Plan Catalogued S. 460-858 in the Department of Lands and comprised in Crown Grant Registered Vol. 1043 Folio 135 which said corner is an angle in the North-western boundary of an area of two roods eleven and a half perches divested from the Sydney Harbour Trust Commissioners by proclamation in the Government Gazette of 30th July 1913 No. 120 and is also a corner of an area of five and three-quarter acres resumed under the Public Works Act 1900 by notification in the Government Gazette of 29th March 1911 and bounded thence by a line partly forming the South-eastern boundary of the aforesaid area of twenty-five perches comprised in Crown Grant Volume 1043 Folio 135 bearing 198 degrees 44 minutes 187 feet 8½ inches thence by a line bearing 247 degrees 38 minutes 97 feet 9½ inches to the North-eastern building line of Mill Street thence by that building line bearing 324 degrees 28 minutes 40 feet 1½ inch to the Southernmost corner of an area of one rood six and a half perches resumed from J. A. Thompson thence by part of the South-eastern boundary of that land bearing 40 degrees 11 minutes 108 feet 1 inch to the Westernmost corner of the aforesaid area of twenty-five perches thence by the North-western boundary of that area bearing 27 degrees 20 minutes 126 feet 8½ inches to the aforesaid limit line for reclamations and thence by that limit line forming the North-eastern boundary of the aforesaid area of twenty-five perches bearing 105 degrees 33 minutes 47 feet 11 inches to the point of commencement.

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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.