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*St. Philip's Sydney (Old Parsonage Site) Ordinance 1957.*

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No. 53, 1957.

AN ORDINANCE to vest certain land in Spring Street City of Sydney in Church of England Property Trust Diocese of Sydney, to vary the trusts of the proceeds of sale thereof and for purposes incidental thereto.

WHEREAS by the "St. Philip's Sydney Parsonage Act of 1858" the land described in the Schedule thereto being the land described in the First Schedule to this Ordinance was vested in John Campbell, George Kilgour Inglelow and John Alexander Mathews and others the duly appointed Trustees of the Church and Parsonage of St. Philip, Sydney AND WHEREAS by the said Act the said Trustees were directed to hold the said land upon trust with the approval in writing of the Bishop of Sydney for the time being to sell and dispose of the same with the appurtenances or to mortgage exchange or lease the same as therein set out AND WHEREAS by the said Act it was declared that the said Trustees should stand possessed of all moneys arising from every sale mortgage exchange or lease as aforesaid in the first instance for the purchase of a proper site for a Parsonage within the said Parish and to pay and apply any surplus or such portion as should be deemed fit towards completion of the new St. Philip's Church and such other portion towards the erection of an additional church within the said Parish and such other portion as should be deemed fit towards the endowment in aid of the stipend of such additional church and the remainder of such moneys if any for or towards any such other purposes in connection with the United Church of England and Ireland within and for the benefit of the said parish as the said Trustees with the approval of the said Bishop should determine AND WHEREAS all the said land with the exception of that described in the Second Schedule hereto has long since been sold AND WHEREAS by Indenture of Conveyance dated 5th December 1862 made between the said Trustees of the one part and William Watson of the other part Registered No. 160 Book 81 certain land adjoining that described in the said second Schedule was conveyed to the said William Watson together with full liberty and license for himself his appointees heirs and assigns his and their servants and workmen and for all other persons authorised by night and day to drive ride operate and labour up down to and fro upon all or any roads streets or ways adjoining or near the land thereby conveyed AND WHEREAS the Company known as N.R.M.A. Insur-

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ance Limited acquired the land referred to in the said recited Indenture of Conveyance and is now registered proprietor thereof by virtue of Certificate of Title Volume 1501 Folio 238 AND WHEREAS it appears that the said Company and its predecessors in title have acquired a possessory title to the land described in the said Second Schedule but has requested that a documentary title might be given for further assurance and has offered the sum of One hundred and seventy-five pounds (£175) and costs for completion of the same AND WHEREAS it is expedient that the said land be now vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS the said land or so much of the right title and interest if any therein as may still be subsisting is church trust property held for the sole benefit of the Parish of St. Philip Sydney AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the purchase money arising from the sale of the said land is to be held it is inexpedient to carry out and observe the same and it is expedient that such trusts so far as the same are now capable of being carried out and observed be varied as hereinafter set out Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:—

1. That the land described in the Second Schedule hereto or so much of the right title and interest therein of the said recited Trustees for sale be and the same is hereby vested in the Corporate Trustee upon the trusts for sale contained in the "St. Philip's Sydney Parsonage Act of 1858."

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the proceeds of sale of the said land are to be held it is inexpedient to carry out and observe the same and it is expedient that the said trusts be varied as hereinafter set out.

3. The proceeds of sale of the land described in the Second Schedule hereto shall be invested by the Corporate Trustee in accordance with the provisions of the Investment of Church Trust Property Ordinance 1944 or any Ordinance amending or taking the place of the same and the net income arising therefrom paid to the Churchwardens for the time being of St. Philip's Church Sydney to be applied by them for general church purposes.

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4. This Ordinance may be cited as "St. Philip's Sydney (Old Parsonage Site) Ordinance, 1957.

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FIRST SCHEDULE.

All that piece or parcel of land in our said territory containing by admeasurement one rood and thirty perches be the same more or less situated in the County of Cumberland and parish of St. James' City of Sydney commencing at the southernmost corner of the Exchange land on Pitt Street and bounded on the northwest by the northwest side of a wall and its prolongation bearing north easterly two chains and twenty links to Gresham Street on the north-east by Gresham Street bearing south-easterly one chain and eighteen links and one half link to Spring Street on the south-east by the north-west building line of Spring Street bearing south-westerly three chains and forty eight links to Pitt Street and on the west by the eastern building line of Pitt Street bearing northerly two chains and eighty three links and one quarter of a link to the corner of commencement on Pitt Street aforesaid advertised in the Government Notice dated 15th July 1856.

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SECOND SCHEDULE.

All that piece or parcel of land situate and lying at Sydney in the City of Sydney Parish of St. James' County of Cumberland and State of New South Wales being part of a re-subdivision of St. Philip's Parsonage land and containing an area of 5 perches Commencing at a point on the north-western side of Spring Street bearing 218 degrees 3 minutes distant 73 feet 1 inch from the intersection of the said north-western side of Spring Street with the south-western side of Gresham Street bounded thence on the north-east by part of the south-western side of the land in Primary Application No. 12852 being a line passing along the south-western face of a brick wall bearing 329 degrees 58 minutes distant 85 feet 2 inches thence on the north-west firstly by part of the south-eastern side of the land in the said Primary Application No. 12852 and finally by part of the south-eastern side of the land in Primary Application No. 16158 being a line passing along the south-eastern faces of the brick walls in all bearing

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240 degrees 6 minutes distant 16 feet 3 inches thence on the south-west firstly by part of north-eastern side of the land in the said Primary Application No. 16158 being a line passing along the north-eastern face of a brick wall bearing 149 degrees 50 minutes distant 46 feet 6½ inches and finally by the north-eastern boundary of the land in a plan for amendment of title lodged at the Registrar-General's Department and catalogued 3251 (L) being a line passing along the face of a brick wall bearing 149 degrees 20 minutes distant 45 feet 2 inches to the north-western side of the said Spring Street thence on the south-east by part of the north-western side of the said Spring Street distant 16 feet 11¼ inches to the point of commencement be the said several dimensions all a little more or less.

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

W. G. HILLIARD, Bishop,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 19th day of December, 1957.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

19/12/1957.