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*The Cathedral Compensation Fund Ordinance 1946.*

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No. 17, 1946.

AN ORDINANCE to vary the trusts of a certain Cathedral Compensation Fund and to confirm certain payments thereout.

WHEREAS by the Cathedral Site Ordinance 1935, certain offers contained in the second and third schedules thereto and made by the Honourable the Premier of New South Wales to the Diocese of Sydney were accepted by the said Diocese. AND WHEREAS it was declared by the said ordinance that when the said offers were carried into effect in accordance with the terms thereof the same should be deemed to be a complete satisfaction for the failure of a certain agreement and otherwise therein more particularly specified. AND WHEREAS one of the said offers provided that in order to assist the said Cathedral Authorities in remodelling and re-establishing their buildings the Government of New South Wales would submit to Parliament a measure authorising the payment to the Cathedral Authorities of £100,000 (hereinafter called the Cathedral Compensation Fund) payable in certain instalments without interest. AND WHEREAS it was also provided in the said offers that upon the acceptance of these and the proposals contained in the Premier's letter to the Archbishop of the 21st February, 1935, all claims of the Cathedral and Church authorities against the Government of New South Wales in respect of any lands heretofore taken from the Cathedral grounds whether in times past or in respect of the underground railway and whether for resumption disturbance or otherwise and all other claims which might arise by reason of the construction of such railway should be deemed to have been satisfied. AND WHEREAS the said Cathedral Compensation Fund was authorised as aforesaid and has been paid to the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Trust). AND WHEREAS by the St. Andrew's Cathedral Site Act 1935 certain lands were vested in the Trust upon trust for all or any of the following purposes that is to say a site for a Cathedral Church, a residence for the Chief Officiating Minister of the Cathedral, a church house and offices and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney. AND WHEREAS specific trusts of the Cathedral Compensation Fund have not been declared although certain trusts may be construed out of or implied by the said offer and acceptance. AND WHEREAS by reason of circumstances subsequent to the creation of the

*The Cathedral Compensation Fund Ordinance, 1945.*

said constructive or implied trusts it has become impossible or inexpedient to carry out or observe the said trusts and it is expedient to declare specific trusts in respect of the use benefit or purposes of the said fund instead of the said constructive or implied trusts. AND WHEREAS certain sums have been applied out of the income of the said fund under and in pursuance of certain ordinances of Synod certain resolutions of Synod and certain resolutions of the Standing Committee of the Synod and such application was within the trusts hereinafter specified and it is expedient to confirm such application. AND WHEREAS it is also expedient to provide for the application of further sums of money which may arise from the income of the said fund the Synod of the Diocese of Sydney in pursuance of all powers hereunto enabling it ordains directs and declares as follows:—

1. In the opinion of the Synod it has become impossible or inexpedient to carry out or observe the said constructive or implied trusts of the said Cathedral Compensation Fund.

2. It is hereby declared that the said Cathedral Compensation Fund shall be held upon trust for the use benefit or purposes of the Church of England within the Diocese and in connection with the erection of buildings in addition to or in substitution for in enlargement or alteration of all or any of the buildings on the Cathedral Property (being the whole of the land comprised in Certificate of Title Registered Volume 4804 Fol. 186), instead of the said constructive or implied trusts and that in the meantime the income thereof may be used for the same purposes in connection with the maintenance improvement and administration of the Cathedral property.

3. It is hereby declared that the sums applied out of the income of the said Cathedral Compensation Fund under and in pursuance of the provisions of the "St. Andrew's Cathedral Building Ordinance 1936" and the "St. Andrew's Cathedral Building Ordinance of 1937" and the "Diocesan Church House and Vested Buildings Management Ordinance 1941" have been applied within the trusts herein declared and the said application thereof is hereby confirmed.

4. It is hereby declared that the sums applied or to be applied out of the income of the said Cathedral Compensation Fund as set out in the first schedule hereto under and in pursuance of certain resolutions of the Synod and of the Standing Committee or otherwise have been applied, and their further application under the said resolution is within the trusts herein declared and the said application thereof is hereby confirmed.

*The Cathedral Compensation Fund Ordinance 1946.*

5. The amounts set out in the second schedule hereto may be applied out of the income of the said Cathedral Compensation Fund for the purposes therein set out and it is hereby declared that such purposes are within the trusts herein declared.

6. The Standing Committee may from time to time by resolution provide for the application of such sums out of the income of the said Cathedral Compensation Fund for such purposes within the trusts herein declared as it may deem expedient.

7. The ordinance may be cited as "The Cathedral Compensation Fund Ordinance 1946."

FIRST SCHEDULE.

Sums applied or to be applied in pursuance of certain resolutions of the Synod and of the Standing Committee.

	£	s.	d.	£	s.	d.
St. Andrew's Place: Fences and Gates ... ..				276	13	0
Remodelling, etc., of part of Old Worker Building for St. Andrew's Cathedral Choir School... ..				1,316	3	5
Play Ground—Choir School ...				434	9	8
Rockery Construction (Bathurst Street) and Maintenance...				83	3	11
Cathedral—						
New Vestries and Flower Room	1,370	6	0			
Re-orientation ... ..	4,359	13	6			
	5,729	19	6			
Less amount authorised by Ordinance No. 8, 1941 ...	5,000	0	0			
				729	19	6
Stained Glass: Removal, etc. Amount voted, ... £2,000						
Amount expended to date ...				540	10	0
Air Raid Shelters, St. Andrew's Place ... ..	2,104	10	6			
Less amount received from Sydney County Council ...	803	7	5			
				1,301	3	1

*The Cathedral Compensation Fund Ordinance 1946.*

	£	s.	d.	£	s.	d.
Diocesan Church House—						
Alterations, Air Raid Shelters and Strong Room ... ..				2,250	5	6
Church of England National Emergency Fund—						
Advance... ..	3,500	0	0			
Less Refund ... ..	1,000	0	0			
	<hr/>			2,500	0	0
Refund to Cathedral Chapter (part of vote of £2,000) for structural repairs to fabric of Cathedral ... ..				1,821	8	4
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				£10,253	16	5
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SECOND SCHEDULE.

	£	s.	d.
Repairs to the fabric of the Cathedral—a sum not exceeding ... ..	2,000	0	0
Chapter House: Re-lighting — a sum not exceeding ... ..	750	0	0
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	£2,750	0	0
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I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

R. C. ATKINSON,  
Chairman of Committees.

We certify that this Ordinance was passed this 5th day of December, 1946.

S. H. DENMAN	}	Secretaries of the Synod
A. L. BLYTHE		

I assent to this Ordinance.  
HOWARD SYDNEY.  
9th December, 1946.