
The Cathedral Site Ordinance 1927.

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AN ORDINANCE to ratify the Agreement made between the Honorable the Premier of New South Wales and the Church of England Property Trust Diocese of Sydney dated 9th September 1927 and for carrying the same into effect and for purposes connected therewith.

WHEREAS certain lands in the City of Sydney being the whole of the land bounded by George Street, Bathurst Street, Clarence Street and the Sydney Town Hall site are vested in the Church of England Property Trust Diocese of Sydney by virtue of Crown Grant dated 15th January 1856 enrolled in the Office for Registry of Deeds Supreme Court Sydney in Register of Grants of the United Church of England and Ireland Number 1 Page 36 and Deed of Consent with regard thereto dated 29th January 1903 Registered Number 710 Book 731 and also Crown Grant under the provisions of the Real Property Act Registered Volume 1467 Folio 178 and subject to the trusts and conditions in such documents set forth and to the Acts and regulations of the Legislature of New South Wales with regard to the same.

AND WHEREAS at a special session of the twentieth Synod of the Diocese of Sydney held on the 6th May 1926 it was resolved

“That if the Government deems it advisable that the present
“Cathedral site should revert to the State, this Synod will
“not offer objection thereto, provided a site for a new
“Cathedral be found in Macquarie Street on or in the
“vicinity of the Mint and District Court, and provided also
“that adequate monetary compensation be granted.”

and at the same special session of the said Synod it was resolved

“That the Conference between members of the Standing
“Committee and the Cathedral Chapter be requested to
“continue their labours.”

AND WHEREAS as the result of continued negotiations between the last mentioned Conference and the Officers of the Crown the Agreement set out in the schedule hereto between the Church of England Property Trust Diocese of Sydney and

the Honorable John Thomas Lang Premier of the State of New South Wales has been entered into.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts to which the said lands are subject it is expedient to vary such trusts in manner hereinafter mentioned and to make the further provision hereinafter contained.

NOW 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 by the Church of England Trust Property Act 1917 and of all other powers hereunto enabling it ORDAINS DIRECTS AND DECLARES as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the said lands are subject it has become inexpedient to carry out and observe such trusts in so far as the said trusts are hereby varied.

2. The Agreement set out in the schedule hereto is hereby ratified and the Synod directs that the Church of England Property Trust Diocese of Sydney shall execute all instruments necessary to surrender to His Majesty King George V. the lands described in the first schedule to the aforesaid Agreement free from all encumbrances created or caused by the Corporation or its predecessors in title and the Synod confirms the said Agreement and directs the Church of England Property Trust Diocese of Sydney to carry it out after ratification thereof by Parliament.

3. This Ordinance may be cited as "The Cathedral Site Ordinance 1927."

SCHEDULE HEREIN REFERRED TO.

Agreement made this Ninth day of September one thousand nine hundred and twenty seven BETWEEN THE CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY a body corporate constituted under the Church of England Trust Property Act 1917 (hereinafter called "the Corporation") of the one part and the HONOURABLE JOHN THOMAS

LANG of Sydney in the State of New South Wales Premier of the said State (hereinafter called "The Premier") (which expression shall where the context permits include The Honourable John Thomas Lang and his successors in office) for and on behalf of His Majesty King George V. of the other part WHEREBY IT IS AGREED as follows:--

1. THIS Agreement is subject to ratification by the Synod of the Church of England Diocese of Sydney and by the Parliament of the said State and shall take effect upon such ratification.

2. THE Corporation shall submit this Agreement for ratification to the said Synod within one calendar month from the date hereof.

3. THE Premier shall submit this Agreement for ratification to the Parliament of the said State as soon as possible but not later than twelve months after the date hereof.

4. THE Corporation or such person or persons as the said Synod direct shall execute all instruments necessary to surrender to His Majesty King George V. the lands described in the First Schedule hereto free from all encumbrances created or caused by the Corporation or its predecessors in title.

5. THE lands described in the Second Schedule hereto shall be vested in or granted to the Corporation for an estate in fee simple in possession upon trusts for a site for a Cathedral Church Deanery and Church Offices and other buildings for Church purposes in connection with the Church of England within the Diocese of Sydney subject to the condition that no sale mortgage or other encumbrance of the same shall be made or given without the authority of the Parliament of the said State.

6. AT the expiration of three years after this Agreement takes effect or such longer period as shall be agreed upon between the Corporation and the Premier His Majesty shall be entitled to possession of the lands described in the First Schedule hereto.

7. AT the expiration of two years after this Agreement takes effect or such longer period as shall be agreed upon between the Corporation and the Premier the Corporation shall be entitled

to possession of the lands described in the Second Schedule hereto and His Majesty shall be entitled to possession of the lands described in the First Schedule hereto.

8. THE materials of the Cathedral Church and Offices and other buildings erected on the said lands described in the first Schedule and the fittings and fixtures thereof respectively (other than the organ) shall remain the property of the Corporation and shall be removed from the said lands within three years after this Agreement takes effect or such longer period as shall be agreed upon between the Corporation and the Premier and any portion thereof not so removed within the said period or extended period shall become the property of His Majesty.

9. THE said Organ shall become the property of His Majesty but nevertheless the Corporation may continue to use the same until six months prior to the expiration of the period of three years referred to in Clause 8 or such longer period as shall be agreed upon between the Corporation and the Premier. So soon as the Corporation's right to use the organ shall cease the Premier shall remove the same from its present site within three months thereafter and in default it shall be lawful for the Corporation to remove the materials of the said Cathedral Church without regard to the protection which it affords the said organ.

10. THE materials of the buildings now erected upon the lands described in the said Second Schedule shall remain the property of His Majesty and shall be removed from the said lands within two years after this Agreement takes effect or such longer period as shall be agreed upon between the Corporation and the Premier and any portion of the said materials not so removed within the said period or extended period shall become the property of the Corporation.

11. PROVISION shall be made by Parliament for the issue to the Corporation of Treasury Bonds or Inscribed Stock of the face value of Five hundred thousand pounds (£500,000) redeemable in ten years and bearing interest at the rate of five and a half per centum (5½%) per annum payable half yearly. The said Bonds or Stock and the proceeds thereof shall be used by the Corporation for the purpose of erecting upon the lands described in the said Second Schedule a Cathedral Church

Deanery and Church Offices and other buildings for Church purposes in connection with the Church of England and the equipment thereof. The said Bonds or Stock shall be handed over or issued on the date when the surrender mentioned in Clause 4 and the vesting or grant mentioned in Clause 5 are completed and such completion shall be as soon as practicable after this Agreement takes effect.

12. THE Corporation shall commence the erection of the said Cathedral Church Deanery Church Offices and other buildings aforesaid in accordance with designs approved of by the Governor as soon as is reasonably practicable and shall proceed with such erection in accordance with such designs with due diligence until the sum of Five hundred thousand pounds (£500,000) or a sum equal to the proceeds of the Bonds or Stock referred to in clause 11 in case the same be realised which ever is the less shall have been expended.

13. ANY road that shall be established between the present site of the Registrar General's Office and the land described in the said Second Schedule shall never be used for traffic other than pedestrian traffic.

14. THE railway Commissioners for New South Wales shall continue to have the right they now have of using the portion of the lands described in the First Schedule which they are now using and such additional portion as may be agreed upon between the Corporation and the Premier and in respect of any such user by the Commissioners the Corporation shall be entitled to compensation up to the date of completion mentioned in clause 11 only and thereafter the Corporation shall have no claim for compensation in respect of any such user.

FIRST SCHEDULE.

DESCRIPTION OF CATHEDRAL SITE.

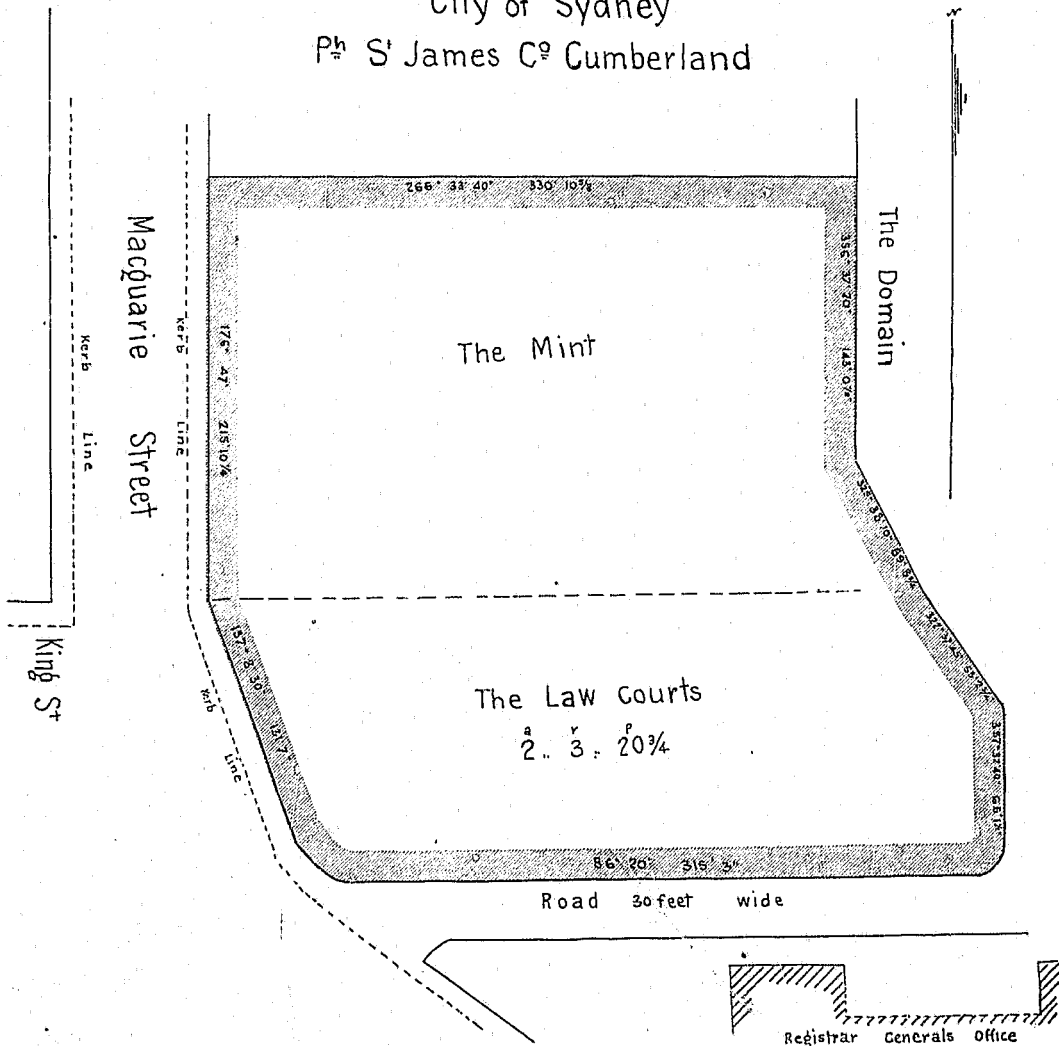
ALL THAT piece or parcel of land in Our said Territory, containing by admeasurement One acre, be the same more or less situated in the County of Cumberland and Parish of Saint Andrew; Commencing at the North West intersection of George and Bathurst Streets and bounded on the East by the New

Western building line of George Street bearing Northerly two chains ninety one links to the Southern side of the old burial ground wall on the North by the said Southern side of that wall and its prolongation Westerly three chains eighty five links more or less to the Eastern side of Clarence Street on the West by the Eastern building line of Clarence Street bearing Southerly two chains eighty links more or less to the Northern building line of Bathurst Street and on the South by the said Northern building line of Bathurst Street bearing Easterly three chains twenty three links more or less to its intersection with George Street at the point of commencement aforesaid ALSO ALL THAT piece or parcel of land in Our said State containing by admeasurement One rood and eighteen perches be the same more or less situated in the County of Cumberland and Parish of Saint Andrew City of Sydney Allotment two of Section nineteen Commencing on the Western building line of George Street at the North Eastern corner of Allotment one appropriated for a Cathedral Site and bounded thence on the East by that building line bearing North three degrees West sixty feet on the North by a Southern boundary of Allotment twelve appropriated for a site for the Town Hall bearing South eighty four degrees thirty minutes West two hundred and sixty eight feet three inches on the West by an Eastern boundary of Allotment twelve aforesaid and the Eastern building line of Clarence Street in all bearing South fourteen degrees thirty minutes East sixty two feet and on the South by the Northern boundary of Allotment one aforesaid bearing North eighty four degrees ten minutes East about two hundred and fifty five feet two inches to the point of commencement. The latter piece of land is the whole of the land comprised in Crown Grant under the provisions of the Real Property Act, Registered Volume 1467, Folio 178 And the above two parcels of land being intended to comprise the whole of the land bounded by George Street Bathurst Street Clarence Street and the Town Hall site.

SECOND SCHEDULE.

The lands in the City of Sydney fronting Macquarie Street and adjoining the Sydney Hospital as the same are shewn on the plan annexed hereto and therein edged red.

Plan
 Of proposed Site for Anglican Cathedral
 City of Sydney
 P^h S' James C^o Cumberland



IN WITNESS whereof these presents have been duly executed the day and year first hereinbefore written

THE COMMON SEAL of THE CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY was hereto affixed pursuant to a Resolution passed at a duly constituted Meeting of the said Trust held on the Ninth day of September 1927 in the presence of

E. CLAYDON.
C. M. C. SHANNON.
W. MULLENS VINDIN.
KELSO KING.
HENRY F. MAXWELL.

L.S.

C. R. WALSH,
Secretary.

SIGNED SEALED AND DELIVERED by the said JOHN THOMAS LANG in the presence of

J. T. LANG.

F. C. G. TREMLETT.

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

A. J. GOULD,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this twenty-seventh day of September, 1927.

E. CLAYDON } Secretaries of
HARINGTON B. COWPER } the Synod.

I assent to this Ordinance,

GERARD D'ARCY-IRVINE,
Bishop Coadjutor, Commissary.

28th September, 1927