

Chinese Church Botany Land Sale 1928.

No. 7. 1928.

AN ORDINANCE to authorise the sale of certain land in the State of New South Wales situate in the Parish of Botany County of Cumberland and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Conveyance dated the first day of August one thousand eight hundred and eighty-nine Registered Number 712 Book 420 and made between Thomas Richard Smith of Sydney in the State of New South Wales Esquire of the first part The London Chartered Bank of Australia of the second part and the Church of England Property Trust Diocese of Sydney hereinafter called the said Trust of the third part all that piece of land at Botany described in the Schedule hereto was conveyed unto the said Trust in fee simple AND WHEREAS the said land was purchased for the purpose of erecting thereon a Church for the use of the Chinese Christian Congregation in connection with the Church of England And a Church was erected upon the said land and for many years used as a Church for the Chinese but by reason of the removal of Chinese from the neighbourhood it has been found impossible to secure a congregation and the said Church has been for some time past unused and is becoming deteriorated and it is impossible to carry out or observe the particular purpose for which the said land was purchased as aforesaid and it is expedient that the said land and hereditaments should be sold and the proceeds applied in manner hereinafter provided Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and The Land Ordinance Procedure and Delegation of Powers Ordinance 1928 and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod ordains declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts of the said land it is expedient to sell the same.

2. The said land or any portion or portions thereof may at any time hereafter and from time to time be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the said Trust may deem expedient.

3. The purchase moneys arising from such sale or sales shall be paid to the said Trust and (after payment thereof of the expenses of and incidental to this Ordinance and the said sale or sales and the Conveyance of the said land in pursuance thereof and any rates due on the said land) shall be applied as hereinafter mentioned.

4. The balance of the purchase money remaining in the hands of the said Trust shall be applied by the said Trust upon the advice of the Committee of the Church Missionary Society of Australia and Tasmania (N.S.W. Branch) or such other body as may at the time be entrusted with the work of the Church of England Mission to the Chinese in the State of New South Wales (with the sanction of the Archbishop of Sydney for the time being) in or towards the purchase of a site or sites in or in the vicinity of the City of Sydney and in the erection thereon of a Church or School House for the use of the Chinese Christian congregation in connection with the Church of England and of the Clergyman for the time being ministering therein under the authority or license of the Archbishop of Sydney and if necessary a dwelling house or parsonage for the use of such clergyman.

5. Any part of the said money, not immediately required to be applied as aforesaid may until such application be invested by the said Trust in any one or more of the investments following that is to say:—

- (a) The purchase of real estate.
- (b) Any public funds or Government Stock or Government securities bonds debentures inscribed stock or treasury bills of or guaranteed by the Federal Government or the Government of any State in the Commonwealth of Australia.
- (c) First mortgage on real property situated within the said Commonwealth.

- (d) Stocks funds or securities in or upon which by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested.
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (f) Municipal debentures of any State Capital.
- (g) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth.
- (h) Deposits in any Government Savings Bank within the Commonwealth.
- (i) On fixed deposit in any Bank carrying on business in New South Wales.

And the Trustees may from time to time vary or release or raise any money on the security of such investments other than investments in the purchase of real estate.

6. The income arising from any such investment as aforesaid (after payment thereof of the expenses of and incidental to the execution of the Trusts hereby declared) shall be applied with such advice as aforesaid and with the sanction of the Archbishop of Sydney for the time being in and towards any of the following purposes:—

- (a) The maintenance and repair of any building or buildings which may have been erected as aforesaid.
- (b) The hiring a building or buildings for the purpose of carrying on Church of England work amongst the Chinese.
- (c) The maintenance and support of any Clergyman or Clergymen catechist or catechists duly licensed by the Archbishop of Sydney for the time being to carry on Church of England work amongst the Chinese in or in the vicinity of the City of Sydney.
- (d) Or in such manner as the said Church Missionary Society shall recommend for the purposes of Chinese Mission work in the Diocese of Sydney.

7. This Ordinance shall be styled and cited as the "Chinese Church Botany Land Sale Ordinance of 1928."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land in the Colony (now State) of New South Wales situate in the Parish of Botany County of Cumberland being allotment Number One Section Number Two of the Bay View Estate commencing at the angle formed by the junction of the South side of Tramway Street with the East side of the main Botany Road and bounded on the North by the said Tramway Street bearing Easterly one hundred feet on the East by a line bearing Southerly thirty feet on the South by allotment Number Two bearing Westerly one hundred feet to the said Botany Road and on the West by that road bearing Northerly thirty feet to the point of commencement be the several dimensions a little more or less.

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

A. J. GOULD,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this thirtieth day of April, 1928.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

11th May, 1928.