
*The Christ Church St. Lawrence Sydney Church Rectory
and School Ordinance 1932.*

No. 5. 1932.

AN ORDINANCE relating to Church Compensation Money Rectory Compensation Money and School Compensation Money arising from the resumption in 1904 of Church lands and now held in trust for or for purposes in connection with Christ Church St. Lawrence Sydney to amend the Christ Church St. Lawrence Sydney Resumptions Ordinance 1929 to authorise certain expenditure and to declare and determine the further Trusts of the said Funds and for other purposes.

WHEREAS by "The Christ Church St. Lawrence Sydney Resumption Ordinance 1929" it was declared that the Church of England Property Trust Diocese of Sydney (hereinafter designated the said Trust) should hold the Church Compensation Money the Rectory Compensation Money the Schools Compensation Money after payment thereof as therein mentioned upon the same Trusts as the resumed lands were held prior to such resumptions AND WHEREAS by orders of the Supreme Court of New South Wales dated the first day of July 1904 and the sixteenth day of November 1904 it was declared that subject to the provisions of the last-mentioned orders the monies in Court were subject to the same Trusts as far as such Trusts were applicable to money as were the resumed lands before the resumptions but neither in the said Orders nor in the Ordinance hereinbefore mentioned nor upon the making of them had any examination been made of the prescribed or particular purposes and objects of the Trusts which (owing to the interchange and indifferent user of Church and Rectory sites afterwards assented to by the Crown as grantor of the sites) were difficult to distinguish or to ascertain save in the provisions of the Act of [the sixteenth year of the reign of her late Majesty Queen Victoria in the said Ordinance referred to which recited the said assent and otherwise provided as in the said Ordinance mentioned and furthermore gave power to the Trustees of the Church and Minister's dwelling house to demise the Parsonage site as then occupied for terms of years alternatively to the sale thereof and as to rents meanwhile to use them for renting a Parsonage and as to surplus monies arising from

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any sale after a suitable house should have been erected to apply them either to completion of the fabric of the Church or for repairs or for other Church purposes subject as therein provided AND WHEREAS after the resumption of the Rectory site and other Church lands by the Minister for Public Works in 1904 parcels of land were purchased or re-purchased of the Minister by means of the resumption money or portion thereof by the Trustees for the time being by agreement and with the sanction of the Supreme Court in its Equitable Jurisdiction as given in the Orders of 16th November 1904 hereinbefore referred to being Orders Numbers 1453 1454 and 1455 of that year and the conveyances of the said parcels so purchased now in possession of the Rector and Churchwardens contain conditions of reverter which are not proper AND WHEREAS the capital amount of Church Compensation Money derived from such resumption and remaining after such re-purchase and standing to the credit of the said Trust on the first day of March, 1932 was £8711 7s. 3d. AND WHEREAS the capital amount of Rectory Compensation Money derived from such resumption and remaining after such re-purchase and standing to the credit of the said Trust on the first day of March, 1932 was £875. AND WHEREAS the capital amount of Schools Compensation Money derived from such resumption and remaining after re-purchase and building of a school and standing to the credit of the said Trust on the first day of March, 1932 was £17,322 14s. 6d. AND WHEREAS it is deemed expedient to apply and use the Church Compensation Money the Rectory Compensation Money and the School Compensation Money in the manner hereinafter directed and in so far as the said funds are not so used to determine and declare expressly the purposes to which the income therefrom is devoted 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 1926" 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 place of such Synod declares ordains directs rules and determines as follows:—

1. By reason of the circumstances hereinbefore mentioned it is expedient to authorise expenditure from and to determine and

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declare the Trusts of the said Church Compensation money as follows:—

- (a) The accumulated interest on the Church Compensation money shall be paid to the Rector and Churchwardens for the time being to be dealt with in pursuance of the Sydney Church Ordinance 1912 or any Ordinance amending or taking the place of the same.
- (b) Out of the said Church Compensation Money shall be paid half of the costs of and incidental to the present Ordinance as also of and incidental to all work occasioned in obtaining Counsel's opinion.
- (c) The income on the balance of the said Church Compensation Money shall be paid to the Rector and Churchwardens for the time being of Christ Church St. Lawrence Sydney whose receipt shall be a sufficient discharge to be dealt with in pursuance of the Sydney Church Ordinance 1912 or any Ordinance amending or taking the place of the same and applied by them towards maintaining the said Church and in or towards the payment of the Clergyman duly appointed to officiate at the said Church.

2. By reason of the circumstances hereinbefore mentioned it is expedient to authorise expenditure from and to declare the Trusts of the said Rectory Compensation money as follows:—

- (a) The accumulated interest on the Rectory Compensation money shall be paid to the Rector and Churchwardens for the time being to be dealt with in pursuance of the Sydney Church Ordinance 1912 or any Ordinance amending or taking the place of the same.
- (b) Out of the said Rectory Compensation Money shall be paid half of the costs of and incidental to the present Ordinance as also of and incidental to all work occasioned in obtaining Counsel's opinion.
- (c) The income on the balance shall be paid to the Rector and Churchwardens for the time being of Christ Church St. Lawrence Sydney whose receipt shall be a sufficient discharge and applied by them towards maintaining the said Rectory and in or towards the payment of the Clergyman duly appointed to officiate at the said Church.

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3. By reason of circumstances subsequent to the creation of the trusts of the property represented by the School Compensation Money and the balance of the said moneys now standing to the credit of the said Trust as aforesaid it has become impossible or inexpedient to carry out or observe such trusts and also impossible or inexpedient save as hereinafter mentioned to deal with or apply the same or any part thereof for the use or benefit of the said Parish of Christ Church St. Lawrence or for the same or the like purposes and it is hereby declared that the same shall be dealt with and applied as follows:—

- (a) The income accrued and to accrue from the said money and from the investments thereof shall be applied in or towards the establishment and maintenance or otherwise for the benefit of all or any of the Church of England Schools hereinafter described in such amounts or proportions as the Synod or when the Synod is not in session the Standing Committee of the Diocese shall by resolution provide with power to the Synod and when Synod is not in session the Standing Committee by resolution to rescind or vary any such provision as to any income actually unapplied.
- (b) The said Schools shall be Church of England Schools situated respectively in a Parish or Parishes other than the Parish of Christ Church St. Lawrence and for the time being governed and controlled under a constitution provided by ordinance of the Synod of the Diocese.
- (c) The receipt of the Treasurer or other officer of any such School appointed under its constitution shall be a sufficient discharge on behalf of such School and the said Trust shall not be required to see further to the application of any such income Provided that notwithstanding the preceding provisions of this clause the Standing Committee may by resolution direct the application of any part or parts of such income in payment of insurance, rates and taxes electric lighting due or to become due in respect of the School premises situated within the said Parish of St. Lawrence not now in use and may direct that such application shall be by way of advance or otherwise and the said part or parts shall be applied accordingly Provided also that before any intended dealing with the said income is considered notice shall be given to the Rector and Churchwardens

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of the said Parish in order to enable them to express their views upon the matter such notice to be given by letter addressed to them at Christ Church Rectory and sent through the post by pre-paid postage.

4. The first paragraph of Section 6 of "The Christ Church St. Lawrence Sydney Resumptions Ordinance 1929" is amended by omitting the words "shall be held upon the same trusts as the resumed lands were held prior to such resumptions and any moneys held upon such trusts."

5. The principal Church Compensation money Rectory Compensation money and School Compensation money shall be invested in manner as provided under the Christ Church St. Lawrence Sydney Resumptions Ordinance 1929.

6. This Ordinance shall be styled and cited as "The Christ Church St. Lawrence Sydney Church Rectory and School Ordinance 1932."

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 twenty-fifth day of July, 1932.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

26th July, 1932.