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*Holy Trinity Berrima (Old Rectory) Sale Ordinance 1957.*

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No. 47, 1957.

AN ORDINANCE to authorise the sale of certain land at Berrima in the Shire of Mittagong Parish of Berrima County of Camden and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Registered Volume 4471 Folio 90 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of Berrima cum Moss Vale but no declaration of trust in writing can now be found relating thereto other than a Declaration of Trust executed in 1875 by Ben Marshall Osborne and James John Oldbury Atkinson whereby they declared that they held the land therein described containing 10 acres 1 rood 39 perches being part of the land comprised in the said Certificate of Title upon trust in the first place by sale or otherwise to reimburse and repay to themselves the sum of £350 and interest as therein set out (being moneys advanced by them towards the purchase of the said land) and subject thereto for a Church of England Parsonage to be used occupied and enjoyed by the Minister for the time being holding the license of the Bishop of Sydney and his successors to officiate in the Church of Holy Trinity Berrima or in any other church that might thereafter be licensed or consecrated by the said Bishop in lieu of the said Church of Holy Trinity AND WHEREAS the said land and buildings thereon have not for at least the past forty years been used and occupied as a Rectory in connection with the said church and the said land is now situated in the Parish of Berrima cum Moss Vale AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold and the net proceeds applied 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:—

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1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The land described in the Schedule hereto may be sold by public auction or private contract at such time at such price and upon such terms and conditions as the Corporate Trustee shall think fit freed from the trusts aforesaid.

3. The moneys arising from the said sale shall be applied by the Corporate Trustee firstly in payment of the costs and expenses of this Ordinance and the sale and transfer of the said land in pursuance thereof and of all charges and outgoings to which the same is subject and the balance or so much thereof as may be necessary shall be applied towards the purchase of a dwelling situated within the Parish of Berrima cum Moss Vale for the use and occupation of an Assistant Minister or other parochial purposes in such parish. Any balance not so used 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 Church wardens for the time being of St. John's Church Moss Vale to be applied by them for general parish purposes.

4. This Ordinance may be cited as "Holy Trinity Berrima (Old Rectory) Sale Ordinance 1957."

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SCHEDULE.

All that piece or parcel of land situated at Berrima in the Shire of Mittagong Parish of Berrima County of Camden containing 33 acres being Portions 8 to 12 inclusive of the said Parish and being the whole of the land comprised in Certificate of Title Registered Volume 4471 Folio 90.

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

W. G. HILLIARD,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of October, 1957.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

Archbishop of Sydney.

28/10/1957