

AN ORDINANCE to authorise the sale of certain land situated at St. Peters in the Parish of Petersham in the State of New South Wales and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS the Church of England Property Trust Diocese of Sydney is registered under the provisions of the Real Property Act as proprietor of all that piece of land situated in the Municipality of St. Peters Parish of Petersham County of Cumberland containing 1 rood 6 $\frac{1}{4}$ perches or thereabouts being the whole of the land comprised in Certificate of Title Registered Volume 3660 Folio 170 and the said land is and has been for some time past held upon trust to be used as a site for a school carried on in connection with St. Peter's Cook's River Church St. Peters.

AND WHEREAS by Conveyance dated the 7th day of December 1887 Registered Number 17 Book 0 and made between Robert Campbell the Elder of the one part and the Bishop of Australia of the other part the lands described in the first schedule hereto were conveyed to the Bishop of Australia and his successors UPON TRUST for the erection thereon of a Church or Chapel for the celebration of divine worship therein according to the use of the United Church of England and Ireland and UPON TRUST for all and every or any other of the purposes provided for in and by an Act intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" passed in the eighth year of the reign of His late Majesty King William the Fourth and under and subject to the enactments clauses and provisions thereof.

AND WHEREAS by notification of resumption published in the New South Wales Government Gazette Number 164 on the twentieth day of November 1912 part of the said lands being the lands described in the second schedule hereto were resumed by the Crown.

AND WHEREAS by Deed of Consent dated the twelfth day of June 1925 Registered Number 748 Book 1388 The Most Reverend John Charles Wright Doctor of Divinity Archbishop

of Sydney and Metropolitan did thereby consent that the lands comprised in the first schedule hereto excepting thereout the lands comprised in the second schedule hereto should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney its successors and assigns subject to the trusts to which the said land was then subject or to so much thereof as were still subsisting undetermined and capable of taking effect.

AND WHEREAS by reason of circumstances subsequent to the creation of the said trust it is expedient to sell the land comprised in Certificate of Title Registered Volume 3660 Folio 170.

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 Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purpose of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to 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 declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said trust it is expedient to sell the land comprised in Certificate of Title Volume 3660 Folio 170.

2. The said last mentioned land may be sold by public auction or private contract either in one lot or in several lots at such time or times at such price or prices and upon such terms and conditions as the Church of England Property Trust Diocese of Sydney may deem expedient free from any trusts expressed or implied relating to the said land.

3. The proceeds arising from such sale or sales after payment thereof of all rates taxes and other outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof and after payment of the sum of one hundred pounds to the Treasurer of the Church Buildings' Loan Fund for use in

aid of the objects of the said fund shall be held upon trust to pay and apply such proceeds, not exceeding the sum of two thousand five hundred pounds as the Minister and Church Wardens of the Church of St. Peter Cook's River shall deem expedient in or towards the construction of a school house and parish hall upon part of the land described in the first schedule hereto excepting thereout the land described in the second schedule hereto subject to the approval in writing of the Archbishop for the position and plans and specifications of such buildings having first been obtained and upon trust as to the balance of the said proceeds to invest the same in the manner hereinafter provided and to pay the net income received therefrom to the Minister and Church Wardens for the time being of the said Parish to be used in or towards the maintenance and keeping on foot of a School in connection with St. Peter's Church aforesaid and the payment of the salaries of the teachers employed therein and as regards all such net income arising as aforesaid as shall not be required for the purposes aforesaid or any of them to be used for such general purposes in connection with the Parish of St. Peter's Cook's River as the Minister and Church Wardens for the time being thereof may determine.

4. Any part of the said purchase money and the accumulations of income arising therefrom in the possession of the Church of England Property Trust Diocese of Sydney and 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.

The St. Peters Cooks River Land Sale, 1925.

- (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 Bank Acts 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 the State of New South Wales.

And the Trust may from time to time vary or release or raise any money on the security of such investments.

5. The receipt in writing by the Minister and Church Wardens for the time being of the Parish of St. Peter's Cook's River shall be a sufficient discharge for any moneys purporting to be paid under the authority of this Ordinance and neither the person paying the same nor the Church of England Property Trust Diocese of Sydney shall be concerned to see to the application of the moneys so paid or be responsible for the loss or misapplication thereof.

6. This Ordinance may be cited as "The St. Peter's Cook's River Land Sale Ordinance 1925."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land containing by admeasurement six acres and fourteen perches more or less situate lying and being in the District of Bulanaming (in the Municipality of St. Peters Parish of Petersham County of Cumberland) bounded on the North-East by Lot one commencing at the road leading from Sydney to Cooks River being a line bearing West forty degrees North twelve chains thirty links to Lot four on the North-West by Lot four bearing South forty degrees West five chains nineteen links on the South-West by Lot five purchased by Mr. Walker bearing East forty degrees South twelve chains thirty links to the aforesaid road and on the South-East by that Road to the commencing point.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO

All that piece or parcel of land containing three acres one rood three perches or thereabouts Municipality of St. Peters Parish of Petersham County of Cumberland State of New South Wales commencing at the southernmost extremity of the South-Eastern side of St. Peters Street as aligned and shown on Plan S 7-2 114 Sheet 2 and bounded thence by lines bearing South forty nine degrees twenty seven minutes East one hundred and nineteen feet seven and a half inches South forty two degrees fifty six minutes West two hundred and sixty feet three inches North forty nine degrees forty seven minutes West forty seven feet eight inches and South thirty nine degrees fifteen minutes West eighty three feet ten inches to the Northern boundary of the area comprised in Certificate of Title Registered Volume 1724 Folio 21 thence by part of that boundary bearing North forty nine degrees nineteen minutes West two hundred and fifty feet six inches and thence by lines bearing North forty nine degrees thirty seven minutes West one hundred and twenty four feet six inches North forty degrees twenty two minutes West three hundred and forty three feet eleven inches and South forty nine degrees twenty seven minutes East three hundred and thirteen feet and a half an inch to the point of commencement.

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

W. J. G. MANN,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this sixteenth day of September, 1925.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

17th September, 1925.