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*St. Peter's Cook's River Resumption and Investment.*

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4/1914

AN ORDINANCE to authorise the Church of England Property Trust Diocese of Sydney to deal with the compensation money and interest received or payable in respect of the resumption of the land described in the Schedule hereto and to provide for the appropriation of the annual income thereon and for other purposes.

WHEREAS the lands and hereditaments comprised in the Notice of Resumption next hereinafter recited and being the lands and hereditaments described in the Schedule hereunder written were at the date of the said resumption vested in the Archbishop of Sydney as sole Trustee for the United Church of England and Ireland in New South Wales or for the purpose of the said Church upon the trusts expressed and contained in a certain Indenture of Conveyance bearing date the seventh day of December one thousand eight hundred and thirty-seven (Registered Number 17 Book O) and made between Robert Campbell of the one part and The Bishop of Australia of the other part namely 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 the Act of the Governor of New South Wales with the advice of the Legislative Council thereof made and passed in the eighth year of the Reign of His late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and under and subject to the enactments clauses and provisions thereof AND WHEREAS by a Notification of Resumption published in the New South Wales Government Gazette No. 164 of the twentieth day of November one thousand nine hundred and twelve the said land and hereditaments described in the Schedule hereto were resumed by the Crown for a site for a Public School AND WHEREAS the Archbishop of Sydney agreed to accept from the Crown as the purchase money or compensation for the taking of the said land and hereditaments the sum of one thousand

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one hundred pounds AND WHEREAS by deed of consent bearing date the ninth day of October one thousand nine hundred and thirteen the Archbishop of Sydney in pursuance of the provisions contained in the "Church of England Trust Property Incorporation Act 1881" vested the said purchase or compensation money of one thousand one hundred pounds together with the interest accrued or which might thereafter accrue due thereon in the Corporate body known as the Church of England Property Trust Diocese of Sydney their successors and assigns SUBJECT and upon the trusts in the said hereinbefore mentioned Indenture expressed and contained or so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS the Church known as St. Peter has been erected upon part of the land described in the said Indenture and it has been considered desirable to repair and generally to make improvements in connection with the said Church and for the purposes aforesaid portion of the said resumption money will be required AND WHEREAS it is desirable to deal with the balance of the said resumption money and the interest and income thereon AND WHEREAS by reason of the resumption of the said land described in the Schedule hereto and other circumstances which have occurred since the creation of the said trusts it has become inexpedient to carry out in their entirety the particular purposes to which the resumption moneys hereinbefore recited were devoted 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 of all powers vested in the said Synod by the "Church of England Property Act 1880" or otherwise ordains directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the trusts declared by the said Indenture it has become inexpedient to carry out or observe in their entirety the particular purpose or purposes to which the resumption moneys in respect of the said lands described in the Schedule hereto were devoted.

2. The said Church of England Property Trust Diocese of Sydney (hereinafter designated Corporate Trustees) shall out of the compensation moneys so vested in them as aforesaid apply the same as follows:—

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*St. Peter's Cook's River Resumption and Investment.*

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(a) To pay all costs charges and expenses of and incidental to the resumption and this Ordinance and the necessary work arising thereout.

(b) To pay all arrears of rates and taxes in respect of Church land and buildings in the said parish at the date of this Ordinance.

(c) To pay to the Rector and the Churchwardens for the time being of the Church of St. Peter Cook's River if so required (whose receipt shall be a sufficient discharge therefor) any sum not exceeding one hundred and fifty pounds towards repairs alterations and improvements in connection with the Church of St. Peter Cook's River.

3. The balance of the said compensation money may from time to time be invested by the Corporate Trustees in any stocks funds or securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States thereof or of the Dominion of New Zealand or on mortgage of real estate in New South Wales with power from time to time to vary any such investments for any other or others of them and pending such investments may be deposited at interest with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in New South Wales.

4. The accrued interest on the said compensation moneys and all interest arising from any such investment as aforesaid shall be applied as follows :—

(a) To pay all arrears due by the Parish of St. Peter Cook's River under and by virtue of the Registry and Synod Assessments Ordinance of 1895 or any amendments thereof.

(b) To repay to the corpus out of the compensation moneys the amount paid thereout under sub-clauses (b) and (c) of clause 2 of this Ordinance.

(c) To pay all premiums for Fire Insurance on the Church Buildings in the said Parish of St. Peter Cook's River.

(d) To discharge the obligations imposed upon the said Parish or the Clergyman licensed thereto by any Ordinance or resolution of Synod.

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*St. Peter's Cook's River Resumption and Investment.*

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(e) To pay all rates and taxes in respect of Church lands and buildings in the said Parish.

(f) The balance to be paid to the said Rector and Churchwardens for parish purposes.

5. This Ordinance shall be styled and cited as the "St. Peter's Resumption and Investment Ordinance of 1914."

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THE SCHEDULE REFERRED TO.

All that piece or parcel of land containing 3 acres 1 rood 3 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 49 degrees 27 minutes East 119 feet 7½ inches South 42 degrees 56 minutes West 90 feet 3 inches North 49 degrees 47 minutes West 47 feet 8 inches and South 39 degrees 15 minutes West 83 feet 10 inches to the Southern boundary of the area comprised in Certificate of Title registered Volume 1724 folio 21 thence by part of that boundary bearing North 49 degrees 19 minutes West 250 feet 6 inches and thence by lines bearing North 49 degrees 37 minutes West 124 feet 6 inches North 40 degrees 22 minutes West 348 feet 11 inches and South 49 degrees 27 minutes East 313 feet and half an inch to the point of commencement.

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

E. W. MOLESWORTH,

*Chairman of Committees.*

We certify that this Ordinance was passed on 30th September, 1914.

E. CLAYDON { *Secretaries of*  
W. R. BEAVER { *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

6th October, 1914.