

*Trinity Church Surry Hills Land Resumption Claims  
of 1924.*

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AN ORDINANCE to authorise the Church of England Property Trust Diocese of Sydney to receive from the Municipal Council of Sydney the amount of compensation money to be paid by the Council in respect of the resumption by the Council of certain land situated in Riley Street Surry Hills in the City of Sydney and to declare the trusts upon which the said compensation money shall be held.

WHEREAS by Indenture of Conveyance dated the Eighth day of March One thousand eight hundred and sixty-five Registered Number 453 Book 92 and made between Ann Sophia Campbell of the one part and the Bishop of Sydney of the other part the lands and premises described in the Schedule hereto were conveyed unto the said Bishop of Sydney and his successors and it was thereby declared that the Bishop of Sydney and his successors should stand seised of the said land upon trust to lease the same for any term not exceeding 99 years and to pay the net income arising therefrom to the Minister of or in connection with the United Church of England and Ireland who should for the time being be licensed to or in respect of the Church situated at Fort Street in the Parish of St. Phillip in the City of Sydney known by the name of "Trinity Church"

AND WHEREAS by Indenture of Lease dated the Fourteenth day of January One thousand eight hundred and seventy-four Registered Number 22 Book 140 and made between the Bishop of Sydney of the one part and Bartholomew Mahoney of the other part the said lands were demised unto the said Bartholomew Mahoney for a term of 99 years from the First day of January One thousand eight hundred and seventy-three at a yearly rental of Fifteen pounds AND WHEREAS by Notice of Resumption dated the Thirtieth day of June One thousand nine hundred and twenty-three under the Common Seal of the Municipal Council of Sydney the said Council in pursuance of the power and authority given to or vested in the Council by the Sydney Corporation Amendment Act of 1905 and otherwise did declare and give notice that the lands described in the Schedule thereto being the

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same lands as are described in the Schedule hereunder written were thereby resumed by the Council under the provisions of the "Sydney Corporation Amendment Act 1905" aforesaid AND WHEREAS the said Notice of Resumption and the description in the Schedule thereto were duly published in the Government Gazette and in four of the Sydney daily newspapers on the second day of July One thousand nine hundred and twenty-three and thereupon such lands became for the purposes and subject to the provisions of the said Act vested in the said Municipal Council of Sydney for an estate in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights of way or other easements whatsoever AND WHEREAS in pursuance of the Public Works Act 1900 as adopted by the Sydney Corporation Amendment Act 1905 the Archbishop of Sydney caused the prescribed Notices of Claim to be served upon the City Solicitor and Municipal Council of Sydney AND WHEREAS the interest of the Archbishop of Sydney in the said land has been valued by the Municipal Council of Sydney at the sum of Four hundred pounds AND WHEREAS by Deed of Consent dated the Twenty-first day of April One thousand nine hundred and twenty-four Registered Number 431, Book 1354 the Archbishop of Sydney did thereby consent that the moneys so allotted as compensation as aforesaid should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney subject to the trusts in the said Indenture of Conveyance expressed and contained or to so much of the same as are still subsisting undetermined and capable of taking effect AND WHEREAS by reason of the said resumption which is a circumstance subsequent to the creation of the trusts to which the said lands are for the time being subject it has become impossible to carry out or observe such trusts AND WHEREAS it is expedient that the Church of England Property Trust Diocese of Sydney should be authorised to receive the amount of compensation money and interest thereon to be paid by the Council in the matter of the said resumption and that the powers should be conferred upon the said Trust to apply the same in manner hereinafter appearing Now therefore 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 Property Trust Act 1917 and the Ordinances of the

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Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purposes 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 directs declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the hereinbefore mentioned trust it has become impossible to carry out or observe such trust.

2. The Church of England Property Trust Diocese of Sydney is hereby authorised to receive from the Municipal Council of Sydney the amount of the compensation money and interest thereon to be paid by the Council as compensation in respect of the resumption of the land described in the Schedule hereto and the receipt of the Trust shall effectually discharge the Council from being concerned to see to the application of the said moneys or being answerable for the loss or misapplication thereof.

3. The said moneys after payment thereof of all outgoings properly chargeable against the said land and all costs charges and expenses of or incidental to the resumption, notice of claim, the ascertainment of the value of the said land and all costs charges and expenses of and incidental to this Ordinance, shall be held upon trust:—

- (a) To pay to the Minister for the time being of the parish of Holy Trinity the sum of Fifteen pounds per year until the first day of January 1972 the date the hereinbefore recited lease would have expired if the property had not been resumed as aforesaid.
- (b) To accumulate the balance of the income arising from such moneys in excess of the sum of Fifteen pounds and invest the same at compound interest until the first day of January 1972.
- (c) From and after the first day of January 1972 to apply the total income arising from the investments of the said moneys including such accumulation as the said Synod shall from time to time direct

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4. The said moneys held upon such trust may be invested 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 security 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 the State of New South Wales.

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

5. This Ordinance may be cited as "Trinity Church Surry Hills Land Resumption Claims Ordinance of 1924."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that parcel of land being part of Block G3 of the Riley Estate Surry Hills situated in the City of Sydney in the Colony of New South Wales bounded on the East by Riley Street commencing at a point on the Western side thereof distant thirty feet Northerly from its intersection with the Northern

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side of a lane twenty-five feet wide and bearing Northerly thirty feet on the North by a line bearing Westerly to a lane ten feet wide running in the rear of the allotments fronting Riley Street on the West by the said lane bearing Southerly thirty feet and on the South by a line bearing Easterly dividing it from Cox's purchase to the point of commencement.

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 eighth day of October, 1924.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

31st October, 1924.