
Christ Church Enmore Mission Hall Sale, 1929.

No. 5. 1929.

AN ORDINANCE to authorise the sale of certain land in the Municipality of Newtown near Sydney and to provide for the application of the proceeds thereof.

WHEREAS Ashley John Devenish Meares William Frank Dobbin and Charles Isaac Peachey (since deceased) (hereinafter called "Trustees") are registered under the provisions of the Real Property Act 1900 as the proprietors as joint tenants of an estate in fee simple in the whole of the land comprised in Certificate of Title Registered Volume 1254 Folio 180 AND WHEREAS the said land is Church Trust property held on behalf of the Parish of Christ Church Enmore but no specific trust has been declared with regard to the said land but the said Trustees by Statutory Declaration dated the ninth day of November One thousand nine hundred and ten declared that they and the survivors or survivor of them and the heirs of such survivor did and should stand seised of the said land upon trust for the Church of England Diocese of Sydney in accordance with the "Church of England Constitutions Act Amendment Act of 1902." AND WHEREAS The Church of England Property Trust Diocese of Sydney is registered under the provisions of the Real Property Act 1900 as the proprietor of an estate in fee simple in the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and Certificate of Title Registered Volume 3679 Folio 151 AND WHEREAS the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and Certificate of Title Registered Volume 3679 Folio 151 is held upon trust for the maintenance thereon of a Church of the United Church of England and Ireland and of a school house in connection therewith and for the erection of and maintenance of a parsonage subject to the provisions of the Act 8 William the Fourth No. 5 and for such other purposes in connection with the said Church as the Bishop of the said Diocese shall from time to time direct AND WHEREAS it is expedient either to remodel the existing church built on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 151 as a Parish Hall and to

build a new Church on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and/or to build on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 a new Parish Hall and renovate and remodel the existing Church AND WHEREAS by reason of circumstances subsequent to the creation of the trusts hereinbefore recited it is expedient to vary the trusts so that the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and Certificate of Title Registered Volume 3679 Folio 151 should be held upon trust for the erection and maintenance thereon of a Church a School house a Parsonage and a Parish Hall or partly for one and partly for another or others of the said purposes in connection with the Parish of Christ Church Enmore AND WHEREAS the said lands comprised in Certificate of Title Registered Volume 3679 Folio 150 and Certificate of Title Registered Volume 3679 Folio 151 adjoin and form one block AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said land comprised in Certificate of Title Registered Volume 1254 Folio 180 it is expedient to sell the lands comprised in the said Certificate of Title and apply the proceeds of such sale either for the remodelling of the existing Church built on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 151 as a parish hall and the building of a new Church on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and/or in building on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 a new parish hall and renovating and remodelling the existing Church AND WHEREAS it is expedient that The Church of England Property Trust Diocese of Sydney should be authorised to receive the amount of purchase money to be paid in respect of any sale of the land comprised in Certificate of Title Registered Volume 1254 Folio 180 and to apply the same in manner hereinafter provided 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 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 in the place of the said Synod directs declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the land comprised in Certificate of Title Registered Volume 1254 Folio 180 is subject it is expedient to sell the lands comprised in the said Certificate of Title.

2. By reason of circumstances subsequent to the creation of the trusts to which the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and Certificate of Title Registered Volume 3679 Folio 151 are subject it is expedient to vary the same and the said lands shall be held upon trust for the erection and maintenance thereon of a Church a school house a parsonage and a parish hall or partly for one and partly for another or others of the said purposes in connection with the Parish of Christ Church Enmore.

3. The said Trustees or other trustees for the time being of the land next herein mentioned are hereby authorised to sell the lands comprised in the said Certificate of Title Registered Volume 1254 Folio 180 by public auction or private contract either in one lot or in several lots at such time or times and at such price or prices and upon such terms and conditions as the Minister and a majority of the members of the Parish Council for the time being of Christ Church Enmore shall by resolution approve.

4. The said Trustees for the time being of the said land are hereby authorised to execute the transfer or transfers or assurances necessary for the purpose of carrying any such sale as aforesaid into effect.

5. The Church of England Property Trust Diocese of Sydney (hereinafter called "the said Trust") is hereby authorised to receive the purchase money arising from the said sale or sales and the receipt of the said Trust shall effectively discharge any purchaser or purchasers from being concerned to see to the application of the said moneys or being answerable for the loss or misapplication thereof.

6. The proceeds arising from such sale or sales shall be applied by the said Trust—

- (a) In payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales made in pursuance of the powers hereby conferred.
- (b) In payment of five per centum of the proceeds arising as aforesaid as the same shall be received from time to time to the Treasurer of the Church Buildings Loan Fund for the use in aid of the objects of the said Fund and
- (c) The balance of such proceeds and the accumulation of income arising from such proceeds shall be held by the said Trust upon trust to pay and apply the same as the Minister and a majority of the members of the Parish Council of the Church of Christ Church Enmore shall deem expedient and as the Archbishop shall approve in or towards payment of the costs and expenses of either remodelling the existing Church built on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 151 as a parish hall and the building of a new Church on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 and/or in building on portion of the land comprised in Certificate of Title Registered Volume 3679 Folio 150 a new parish hall and renovating and remodelling the existing Church as the said Minister and a majority of the members of the Parish Council of Christ Church Enmore may deem expedient and as the Archbishop shall approve and the receipts of the Churchwardens for the time being of the Parish of Christ Church Enmore shall be a sufficient discharge to the said Trust for all moneys paid in connection with the purposes abovementioned.

7. Any moneys received under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the possession of the said Trust 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 following investments that is to say—

- (a) Investments for the time being allowed by law for the investment of trust funds;

- (b) The purchase of real estate situated within the Commonwealth;
- (c) Mortgage of land situated within the Commonwealth;
- (d) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (e) Bonds or inscribed stock of the Commonwealth of Australia;
- (f) Deposit in any Government Savings Bank within the Commonwealth including the Commonwealth Savings Bank;
- (g) Fixed deposit in any Bank carrying on business in the State of New South Wales.

8. This Ordinance may be cited as "Christ Church Enmore Mission Hall Sale Ordinance 1929."

I certify that the Ordinance as amended 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 twentieth day of April, 1929.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

30th April, 1929.