

Picton Rectory Resumption.

11/1915

AN ORDINANCE to authorise The Church of England Property Trust Diocese of Sydney (hereinafter called "The Property Trust") to receive from the Crown or The Constructing Authority or out of Court the amount of compensation money to be paid in respect of the resumption of certain land situate at Picton in the County of Camden and held upon trust as the site of St. Mark's Picton Rectory and the grounds held in connection therewith AND ALSO to declare the trusts upon which the said compensation money shall be held.

WHEREAS The Property Trust are the registered proprietors of the lands described in the first part of the Schedule hereto by virtue of Certificate of Title under the provisions of the Real Property Act 1900 Registered Vol. 370 Fol. 226 AND WHEREAS the piece of land described in the second part of the said Schedule adjoins the lands firstly before mentioned and is held and used in connection therewith and was purchased in the year 1893 by Messrs. J. M. Antill W. R. Antill A. W. Teale and G. H. Foster the then Trustees of the Church of St. Mark at Picton aforesaid AND WHEREAS the lands described in the respective parts of the said Schedule hereto are held as the site of the Rectory and the grounds held in connection therewith for the use of the Clergyman for the time being appointed to officiate in the Church of St. Mark at Picton aforesaid AND WHEREAS by a Notification dated the twenty-eighth day of January 1915 the Constructing Authority therein named gave notice under the Provisions of the "Public Works Act 1912" that he had taken and finally appropriated the lands set out in the Schedule thereto and being the lands described in the respective parts of the Schedule hereto for the purpose therein mentioned AND WHEREAS on or about the eighteenth day of February 1915 The Property Trust caused Notice of their offer and Particulars of Claim for the land taken as aforesaid to be served upon the said Constructing Authority under which The Property Trust claimed the sum of £1540 as purchase money for the said land but the said Constructing Authority did not admit the claim at the amount stated and the amount to be paid

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to The Property Trust in respect of the taking of the land as aforesaid has not yet been finally agreed upon AND WHEREAS by reason of the said resumption it has become impossible to carry out or observe the particular purposes to which the said land and hereditaments are by such trust as aforesaid devoted AND WHEREAS it is expedient that The Property Trust should be authorised to receive the amount of purchase or compensation money and interest thereon to be paid by the said Constructing Authority in the matter of the said resumption and that powers should be conferred upon The Property Trust to apply or to invest the same and any income derived therefrom in the manner hereinafter appearing. NOW THEREFORE 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 Trust Property Incorporation Act 1881" and "The Church of England Property Act 1889" ordains declares directs and rules as follows:—

1. In the construction and for the purpose of this Ordinance the following expressions shall bear the respective meanings set against them.

"The Property Trust." The Church of England Property Trust Diocese of Sydney.

"Parish Authority." The body empowered under the provisions of the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same to control funds and property of the said Church of St. Mark Picton.

"The Compensation Money." The money paid or payable as the purchase or compensation money for the resumption or taking of the lands described in the respective parts of the Schedule hereto.

2. By reason of the circumstances before recited which have occurred since the creation of the said recited trust it has become impossible to carry out or observe the particular purpose or purposes to which the said land was by the said trust devoted.

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3. The Property Trust is hereby authorised to receive from the said Constructing Authority the compensation money to be paid by the Constructing Authority or the Crown in respect of the taking of the said land as aforesaid or in the event of the compensation money and interest being paid into Court The Property Trust is hereby authorised to receive the same from the Master in Equity with all interest accruing due thereon.

4. The Property Trust is hereby authorised to give and execute effectual receipts and releases for the compensation money and interest and the receipt of The Property Trust shall effectually discharge the Constructing Authority or the Crown or the Master in Equity from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.

5. The compensation money shall be applied by The Property Trust in its discretion in and towards all or any of the following purposes:—

- (a) In paying and discharging all costs and expenses incurred in and about the said resumption and taking as aforesaid and the preparation and completion of these presents and also all costs and expenses which may be incurred in or about the obtaining payment by The Property Trust of the compensation money and in the execution of the trusts hereby declared except such costs as are made payable by the Constructing Authority.
- (b) In expending and applying so much of the compensation money as the Parish Authority shall deem expedient in the procuring securing and purchasing for the use of the Minister duly licensed for the time being to officiate at St. Mark's Picton of a site with a dwelling house erected thereon together with interest on moneys expended thereon and all legal costs and expenses incurred in connection therewith and in making and completing all necessary repairs and putting in good order and condition the property purchased as aforesaid to the satisfaction of the Archbishop of Sydney.

6. Any part of the compensation money in the possession of The Property Trust and not immediately required to be applied

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as aforesaid may until such application be invested by The Property Trust in any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by any of the States in the said Commonwealth of Australia or in mortgage of freehold properties in any part of New South Wales with power from time to time to vary any such investments or any other or others of them and pending such investment may be deposited at interest with the Commonwealth and State Savings Banks or either or them or with any Joint Stock Company carrying on the business of Bankers in Sydney.

7. The interest accrued (if any) on the compensation money up to the date when the same shall be received by The Property Trust and the income arising from any such investments or deposits as aforesaid shall be paid by The Property Trust to the Parish Authority and be held and applied by them towards the costs of repairing and insuring the Rectory building and any surplus moneys remaining in their hands after providing for such repairs and insurance as aforesaid shall be controlled by the Parish Authority as funds and property not excluded from such control by the trusts under which they are held within the meaning of the "Sydney Church Ordinance 1912" or any Ordinance or Ordinances amending or taking the place of the same.

8. This Ordinance shall be styled and cited as the "St. Mark's Picton Resumption Ordinance of 1915."

THE SCHEDULE.**First Part.**

All that piece of land situated near the Town of Picton Parish of Picton and County of Camden containing two rods and nine perches or thereabouts commencing on the South-eastern side of the Great Southern Road at a point bearing North twelve degrees seven minutes East and distant two chains ninety-four links from the Northern fence of the Great Southern Railway and bounded thence on the North-west by that Road bearing North twelve degrees seven minutes East two chains fifty links on the North-east by a line bearing East twelve degrees seven minutes South two chains seventy-eight links on the South-east by a line

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bearing South thirty-five degrees twenty-nine minutes West two chains seventy-two links and on the South-west by a line bearing West twelve degrees seven minutes North one chain seventy links to the point of commencement.

Second Part.

All that piece of land situate as aforesaid and adjoining the above described piece of land and having an area of about one rood thirty-three and one quarter perches and being Lot 42 of Section 1 of the Lumsdaine Estate.

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 10th September, 1915.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.