
*“Saint Philip’s (Sydney) Church and School Resumption
Ordinance 1934.”*

No. 10, 1934.

AN ORDINANCE to vary the trusts declared by two Crown Grants comprising the lands upon which are erected the Church of St. Philip and a School House and to authorise the Church of England Property Trust Diocese of Sydney to receive the compensation moneys and interest payable in respect of the resumption of parts of such lands and to deal with the said compensation moneys and interest.

WHEREAS by Deed Poll or Crown Grant dated the Eleventh day of February one thousand eight hundred and fifty-eight ALL THAT piece or parcel of land containing by admeasurement two roods thirty perches and three-quarters of a perch be the same more or less situated in the County of Cumberland and Parish of Saint Philip and City of Sydney Commencing at the Westerly intersection of York and Jamison Streets and bounded thence on the North by the South-West building line of York Street North Westerly one hundred and seventy-four feet. On the North West by a line south westerly parallel to Jamison Street one hundred and seventy-three feet six inches to Clarence Street: On the South West by the North East building line of Clarence Street South Easterly one hundred and seventy-four feet to Jamison Street and on the South East by the North West building line of that Street North Easterly one hundred and seventy-three feet six inches to the point of commencement, was granted unto John Campbell George Kilgour Ingelow and John Alexander Mathews their heirs and assigns for ever upon trust for the erection of a Church of the United Church of England and Ireland as by law established and for no other purpose whatsoever AND WHEREAS the present Trustees of the said land are William Henry Crago of Sydney in the State of New South Wales Surgeon the Right Reverend Sydney James Kirkby of Sydney aforesaid Bishop-Coadjutor and William James Levick of Cremorne near Sydney aforesaid Builder (hereinafter called the Church Trustees) AND WHEREAS by Deed Poll or Crown Grant dated the Twenty-sixth day of March one thousand eight hundred and fifty ALL THAT piece or parcel of land containing by admeasurement one rood and eighteen perches be the same more or less situated in the County

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of Cumberland Parish of Saint Philip and City of Sydney on Church Hill Commencing in Clarence Street at the North West corner of the Church Allotment and bounded on the West by that Street bearing North fifteen degrees West one chain thirty-nine links; on the North by Charlotte Place bearing East fifteen degrees North two chains sixty-three links, on the east by York Street bearing South fifteen degrees East one chain thirty-nine links to the North East corner of the Church Allotment and on the South by that Allotment bearing West fifteen degrees South two chains sixty-three links to the commencing corner was granted unto The Right Reverend William Grant Broughton the Lord Bishop of Sydney and his successors Bishops of Sydney for ever John Campbell and Francis Mitchell their heirs and assigns for ever upon trust for the erection of a School House in connexion with the United Church of England and Ireland as by law established and for no other purpose whatsoever AND WHEREAS by Deed Poll dated the Nineteenth day of November one thousand eight hundred and eighty-six registered Number 629 Book 435 under the hand and seal of The Most Reverend Alfred Barry Bishop of Sydney after reciting that the property described in the Schedule thereto then belonged to or was vested in the said Bishop of Sydney (purporting to be sole continuing Trustee) upon the trusts contained in the before recited Crown Grant dated the Twenty-sixth day of March one thousand eight hundred and fifty and reciting the desire of the said Bishop of Sydney that the said property should become vested in the Corporate body known as the Church of England Property Trust Diocese of Sydney it was witnessed that the said Bishop of Sydney did thereby consent that the said property mentioned in the said Schedule thereto (being the land described in the lastly recited Crown Grant) should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns subject to the trusts contained in the said Crown Grant of the Twenty-sixth day of March one thousand eight hundred and fifty AND WHEREAS by Certificate under the hand and seal of The Most Reverend John Charles Wright Archbishop of Sydney dated the sixteenth day of May 1929 registered Number 137 Book 1563 it was certified that the then present Trustees of the land upon which the School adjoining the Church of St. Philip was erected (being the land secondly hereinbefore described) were the Church of England Property Trust Diocese of Sydney the said William Henry Crago the Right Reverend Gerard

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Addington D'Arcy Irvine and the said William James Levick (therein wrongly called William Charles Levick) AND WHEREAS the said The Right Reverend Gerard Addington D'Arcy Irvine died on the eighteenth day of April 1932 AND WHEREAS at the time of the Notification of Resumption hereinafter recited there were erected on the firstly described parcel of land The Church of Saint Philip and the Rectory attached thereto and upon the secondly described parcel of land there was erected the said School AND WHEREAS by Notification of resumption dated the Twenty-second day of October one thousand nine-hundred and twenty-six published in the New South Wales Government Gazette of the same date the lands described in the Schedule hereto and forming parts of the before described parcels of land were resumed under the Public Works Act 1912 for the public purposes mentioned in the said Notification AND WHEREAS it has been agreed by and between the Church Trustees and the surviving Trustees of the said School Land hereinbefore mentioned and the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees) and the Minister for Public Works that the sum of Six thousand pounds together with interest thereon as provided by the said Public Works Act shall be taken and accepted in full payment and satisfaction for the lands described in the Schedule hereto and of all claims in respect thereof including disturbance which affected the same and other adjoining properties held or used for the purposes of the parish of St. Philip AND WHEREAS by reason of the said resumption it is expedient that the trusts contained in the said Crown Grants should be varied and that the resumption moneys aforesaid should be applied as 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 by 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 declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the trusts declared by the said Crown Grants it has become as to parts of the lands therein comprised that is to say—as to the lands described in the Schedule hereto impossible

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to carry out or observe the particular purpose or purposes to which the lands described in the Schedule hereto were by the said Trusts devoted.

2. The Corporate Trustees are hereby authorised to receive and give a discharge for the sum of £6000 and interest thereon in full satisfaction of all claims in respect of the said resumption.

3. The compensation moneys received by the Corporate Trustees shall be applied by them as follows:—

- (a) In payment of all costs charges and expenses incidental to the Resumption and to this Ordinance not otherwise provided for and any other costs properly incurred owing in respect of the properties belonging to Saint Philip's Church.
- (b) In payment of all arrears of rates taxes and assessments in respect of any of the lands described in the Schedule and in respect of any lands held or used for the purposes of the parish of Saint Philip and situated in Clarence and York Streets Sydney and whether vested in the Trustees or the Corporate Trustees.
- (c) In payment of the sum of Fifty pounds owing by the Churchwardens or the Trustees of Saint Philip's Church to William Henry Crago in respect of an advance by him.
- (d) In payment of a debt of Five hundred and twenty pounds in respect of the old Rectory of Saint Philip's and interest thereon owing to the Corporate Trustees.
- (e) In payment of the costs of repairs to the School building and additions thereto or of rebuilding the School if necessary and in payment of the cost of repairs and renovations to the Church and Rectory.

4. After payment of the moneys referred to in clause 3 hereof the ultimate balance of such compensation moneys shall 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 the Dominion of New Zealand or on first mortgage of freehold properties in New South Wales with

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power from time to time to vary such investments for any other or others of a like nature and pending such investments may be deposited at interest with any Commonwealth or State Government Bank or with any Company carrying on the business of Bankers in New South Wales.

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

- (a) In payment of all premiums for fire insurance of the buildings now erected or hereafter to be erected upon the remainder of the lands comprised in the said Crown Grants.
- (b) In or towards payment of all rates taxes assessments repairs and other outgoings in respect of any Church lands in the Parish of Saint Philip.
- (c) And the balance (if any) of the said interest in payment to the Rector and Churchwardens of Saint Philip's Sydney for Parish purposes in accordance with the provisions of the "Sydney Church Ordinance 1912," or any ordinance amending or taking the place of the same.

6. This Ordinance may be cited as "Saint Philip's (Sydney) Church and School Resumption Ordinance 1934."

THE SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT: piece or parcel of land situate in the City of Sydney Parish of Saint Philip County of Cumberland and State of New South Wales Commencing at the intersection of the north western side of Jamieson Street with the south western side of York Street and bounded thence on the south east by that side of Jamieson Street bearing two hundred and forty-six degrees 9

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minutes 20 seconds 14 feet $1\frac{1}{2}$ inches thence generally on the south west by lines successively bearing 344 degrees 23 minutes 30 seconds 58 feet 7 inches 73 degrees 59 minutes 10 seconds 2 feet $2\frac{1}{2}$ inches 344 degrees 47 minutes 50 seconds 2 feet $3\frac{1}{2}$ inches, 253 degrees 59 minutes 10 seconds 2 feet $2\frac{1}{2}$ inches 344 degrees 23 minutes 30 seconds 22 feet $2\frac{1}{2}$ inches 73 degrees 59 minutes 10 seconds 2 feet $4\frac{1}{2}$ inches 344 degrees 47 minutes 50 seconds 2 feet $3\frac{1}{2}$ inches 253 degrees 59 minutes 10 seconds 2 feet $4\frac{1}{2}$ inches and 344 degrees 23 minutes 30 seconds 187 feet 11 inches to the south eastern side of Grosvenor Street and thence on the north west and north east by that Street and York Street being lines successively bearing 75 degrees 5 minutes 20 seconds 8 feet $4\frac{1}{2}$ inches 120 degrees 12 minutes 22 seconds 14 feet $1\frac{1}{2}$ inches and 165 degrees 19 minutes 20 seconds 261 feet $1\frac{1}{2}$ inches to the point of commencement having an area of $15\frac{1}{2}$ perches or thereabouts.

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

HENRY W. F. ROGERS,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-fourth day of September, 1934.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

25th September, 1934.