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*St. Paul's, Kogarah, Resumption.*

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AN ORDINANCE to authorise the Church of England Property Trust Diocese of Sydney to receive from His Majesty the King the amount of compensation money to be paid by the Crown in respect of the resumption by the Crown of certain land in the Municipality of Kogarah Parish of St. George County of Cumberland and to declare the trusts upon which the said compensation shall be held.

WHEREAS by Indenture of Conveyance dated the twenty-seventh day of May one thousand eight hundred and sixty-nine Registered Number 805 Book 116 and made between William Alexander Wolfen of the first part Benjamin Buchanan of the second part and the Right Reverend Frederick Barker Lord Bishop of Sydney of the third part the lands and premises described in the first part of the first Schedule hereto were conveyed to the Bishop of Sydney and his successors and assigns upon trust to use the same as the site for the purpose of a Church of the Church of England and a Parsonage and School House in connection therewith and under and subject to the provisions of the Act of the Colonial Legislature of New South Wales 8 William IV. No. 5 intituled "An Act to regulate the temporal powers of Churches and Chapels of the United Church of England and Ireland in New South Wales." AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the tenth day of November one thousand eight hundred and seventy-four Registered Volume 193 Folio 166 the Bishop of Sydney was registered as the proprietor of an estate in fee simple of and in the land described in the second part of the first Schedule hereto but no trusts have been declared in respect to the said land AND WHEREAS the land comprised in the herebefore recited Certificate of Title with the building thereon erected was held upon trust for a residence for a clergyman in connection with the Church of England in the Parish of St. Paul's Kogarah and the balance after deducting that part of the land included in the land resumed as hereinafter mentioned is still so held AND WHEREAS by Notice of Resumption dated the eighth day of October One thousand nine hundred and twenty-three under the hand of the Honorable Sir William Portus Cullen. K.C.M.G. Lieutenant Governor it was thereby notified

and declared that so much of the land thereunder described as was Crown land had been appropriated and so much thereof as was private property had been resumed under the Public Works Act 1912 for the purpose of a public school at Kogarah and was vested in the Minister of Public Instruction on behalf of His Majesty the King for the purposes of the Public Instruction Act of 1880 and the description of the said land so appropriated and resumed as set out in the Second Schedule hereto is part of the land comprised in the hereinbefore recited Certificate of Title and part of the land described in the hereinbefore recited Indenture of Conveyance AND WHEREAS the said Notice of Resumption was published in the Government Gazette and in four of the Sydney daily newspapers on the nineteenth day of October One thousand nine hundred and twenty-three and thereupon the lands therein described became for the purposes and subject to the provisions of the said Act vested in the Minister of Public Instruction on behalf of His Majesty the King 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 provisions of the Public Works Act 1912 the Archbishop of Sydney caused a Notice of Claim in respect of the resumption of the said land to be duly served AND WHEREAS the sum of One thousand three hundred and fifty pounds (£1350) has been agreed upon by the Crown and the Archbishop of Sydney as the amount of compensation in respect of the said resumption AND WHEREAS by Deed of Consent dated the third day of September One thousand nine hundred and twenty-four Registered Number 770 Book 1358 the Archbishop of Sydney did thereby consent that the moneys so allotted as compensation in respect of such resumption as aforesaid and the balance of the said land excluding the land so resumed as aforesaid should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney its successors and assigns subject to the trusts in the said Indenture of Conveyance expressed and contained or to so much thereof as were still subsisting and determined and capable of taking effect And by Memorandum of Transfer dated the twenty-second day of September One thousand nine hundred and twenty-four Registered Number B133234 the balance of the land under the provisions of the Real Property Act was transferred to the Church of England Property

Trust Diocese of Sydney and a Certificate of Title was issued therefor Registered Volume 3652 Folio 20 AND WHEREAS by reason of circumstances subsequent to the creation of the Trusts to which the lands in the first Schedule are for the time being subject it has become impossible to carry out and 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 Crown in the matter of the said resumption and that 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 Trust Property Act 1917 and Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purpose 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 trusts it has become impossible to carry out or observe the said trusts.

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

3. The compensation money shall be applied by the said Church of England Property Trust Diocese of Sydney in or 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 the said Notice of Claim and of this Ordinance and also all costs and expenses which may be incurred in or about obtaining payment by the Church of England Property Trust Diocese of Sydney of the compensation money and in the execution of the trusts hereby declared including the legal expenses and fees which may be incurred in order to vest in the Church of England Property Trust Diocese of Sydney the balance of the said lands not included in the said resumption.
- (b) In expending and applying so much of the said compensation money not exceeding the sum of Three hundred pounds (£300) as the Parish Council of St. Paul's Kogarah shall deem expedient in extension of the School Hall used in connection with the said St. Paul's Church and/or adding an extra room thereto and/or repairs and improvements to the Church property held in connection with such Church generally.
- (c) In expending and applying so much of the said compensation money not exceeding fifty pounds (£50) as the said Parish Council shall deem expedient in constructing a new tennis court or tennis courts in a suitable position upon the balance of the land being part of the land comprised in the first Schedule after excluding thereout the land comprised in the second Schedule.
- (d) In payment of Fifty pounds (£50) to the Treasurer of the Church Buildings Loan Fund for the use in aid of the objects of the said Fund

4. The balance of the said compensation moneys and accumulations of income arising therefrom may be invested by the Church of England Property Trust Diocese of Sydney 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 securities 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 any money on the security of such investments other than investments in the purchase of real estate.

5. The Church of England Property Trust Diocese of Sydney may deduct from the Income as aforesaid the amounts due and to become due from time to time by the Parish for Synod Assessment and Registry Expenses and pay the same to the persons entitled to receive the same.

6. Subject to the application of the said sums thereinbefore provided for the capital and income of the said compensation money shall be applied as shall within the time limited by statute in that behalf hereafter be directed by Ordinance of Synod.

7. It is hereby declared that the balance of the said land described in the first Schedule hereto excluding the land so resumed as aforesaid described in the second Schedule hereto shall be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Paul's Kogarah in the State of New South Wales.

8. This Ordinance shall be cited and styled as "St. Paul's Kogarah Resumption Ordinance of 1925."

## THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

## FIRST PART.

All that piece or parcel of land situate in the Parish of Saint George in the County of Cumberland in the State of New South Wales containing by admeasurement two acres more or less bounded on the east by the Rocky Point Road by a line commencing at a point six chains sixty links from the fence forming the south-eastern boundary of the Bexley property in that road and bearing northerly two chains and eighty-four links on the north by a line at right angles to the said Rocky Point Road bearing westerly in a straight line eight chains and fifty-four links to a proposed reserved back road on the south-west by that proposed reserved road being a line south-easterly three chains and ninety-eight links and thence on the south by a straight line to the point of commencement easterly five chains and seventy-four links be the said several dimensions a little more or less.

## SECOND PART.

All that piece of land situated in the Parish of St. George County of Cumberland containing two acres or thereabouts commencing on the western side of the Rocky Point Road at the north-eastern corner of the Church Allotment being a point bearing northerly and distant eight chains and nine links from the intersection of that road and Church Road and bounded thence on the south by part of that allotment bearing westerly eight chains and fifty links on the west by a line bearing northerly two chains and thirty-six links on the north by a line bearing easterly eight chains and fifty links to the Rocky Point Road aforesaid and on the east by that road bearing southerly two chains and thirty-six links to the point of commencement being the whole of the land comprised in Certificate of Title Volume 193 Folio 166.

## THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

All that piece or parcel of land containing an area of One acre two roods twenty perches in the Municipality of Kogarah Parish of St. George County of Cumberland Commencing at a point on the north-eastern side of Gladstone Road bearing south-

easterly One hundred and thirty-eight feet three inches from the intersection of that side of that road with the southern side of Regent Street thence by a line bearing ninety degrees nine minutes twenty-two feet eight inches being the southern boundary of lot ninety-eight of Deposited Plan Number 1397 on the west by a line bearing nine minutes one hundred and fifty-five feet eleven inches being the eastern boundaries of lots ninety-eight to one hundred and two to the south-west corner of lot one hundred and three by the southern boundary of that lot and lots one hundred and four and one hundred and five and one hundred and eight to one hundred and nineteen and part of lot one hundred and twenty bearing in all ninety degrees eleven minutes three hundred and forty-three feet two inches thence by lines bearing successively one hundred and eighty degrees eleven minutes two hundred and seventy-six feet five inches two hundred and seventy-one degrees twenty-three minutes one hundred and thirty two feet six inches nine minutes one hundred and forty-three feet three and one half inches two hundred and seventy degrees nine minutes one hundred and thirty feet and one hundred and eighty degrees nine minutes one hundred and twenty feet to the north-east side of Gladstone Road aforesaid thence by that road bearing three hundred and twelve degrees thirty-five minutes one hundred and forty feet 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 Sixth day of April, 1925.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th April, 1925,