

*Sydney Burial Ground Moneys.*

3/1904

AN ORDINANCE to authorise the dealing with certain moneys pertaining to the Old Sydney Burial Ground and to provide for the appropriation of the annual income derivable therefrom.

(*Assented to 6 October, 1904.*)

WHEREAS by Grant from the Crown bearing date the ninth day of May in the year of our Lord one thousand eight hundred and forty-two, enrolled in the Supreme Court of New South Wales in Church Grants No. two page two on the sixteenth day of July in the year aforesaid the land therein particularly described was granted by the Crown upon trust for the interment of the dead according to the use of the United Church of England and Ireland. And whereas in or about the year one thousand eight hundred and eighty a portion of the said land was transferred to the Crown for the erection thereon of a Morgue and in or about the year one thousand eight hundred and eighty-two a further portion of the said land was transferred to the Crown for the erection thereon of a Caretaker's residence. And whereas in or about the year one thousand nine hundred and one the remainder of the said land was resumed by the Crown for Railway purposes. And whereas there are in the hands of the Bishop of Sydney as the present trustee of the hereinbefore recited grant certain sums of money and securities for money amounting in the aggregate to the sum of six hundred and six pounds seventeen shillings and one penny. And whereas by reason of the resumption of the said land and other circumstances which have occurred since the creation of the said trust it has become impossible to carry out or observe the particular purpose or purposes to which the said moneys would but for such resumption have been devoted. And whereas it is expedient that provision

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should be made for dealing with the said moneys in manner hereinafter specified. 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 the powers vested in the said Synod by the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

1. By reason of circumstances 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 or the said sums of money representing the same are by the said trust devoted and it has become expedient that the said moneys shall be applied to the substituted purpose or purposes hereinafter specified.

2. The said moneys shall with the consent of the trustee thereof be paid over and vested in the Church of England Property Trust Diocese of Sydney.

3. The moneys so paid over shall be treated as capital moneys and may from time to time be invested by the trustee thereof in any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or by the Government of the State of New South Wales or in Real securities in any part of New South Wales and pending such investment may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney.

4. The Trustee for the time being of the said moneys shall from time to time apply the income arising from the said moneys (after payment thereof of the expenses of and incidental to this Ordinance and to the execution of the said trust) on the recommendation of the Bishop of

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Sydney for the time being or of his Commissary or of the Guardian of the Spiritualities during a vacancy of the See in or towards the maintenance repair and upholding of Church of England Parochial Burial Grounds within the Diocese of Sydney and of the fences and buildings appurtenant to such Burial Grounds.

5. This Ordinance shall be styled and cited as the "Old Sydney Burial Ground Moneys Ordinance of 1904."

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