
Christ Church Kiama (Variation of Trust and Vesting and Exchange) Ordinance 1949.

No. 12, 1949.

AN ORDINANCE to vary the trusts of certain land held for the benefit of the Parish of Christ Church, Kiama, and to authorise the vesting of part thereof in the Church of England Property Trust Diocese of Sydney and the exchange of portion thereof.

WHEREAS

1. By Indenture made the 3rd day of October, 1870, Registered No. 116 Book 122 between Robert Owen of the one part and Thomas John Fuller and others trustees appointed under Act 8 Wm. IV No. 5 Lots 15 and 16 of Section 4 of the Parish and Town of Kiama County of Camden were conveyed to the said trustees to hold on the following trusts namely:—

Upon trust and to the intent that the dwelling house and other buildings thereon erected and built or which shall or may from time to time be thereon erected or built shall be used and appropriated as and for a house or residence and that the remainder of the said hereditaments may be appropriated as and for a garden or glebe for the use of the Minister or Incumbent for the time being of Christ Church at Kiama and generally to the intent that all and singular the said hereditaments and premises shall henceforth be devoted to the augmentation of the maintenance of the said Minister or Incumbent according to the true intent and meaning of the said Act of Parliament 8 William IV No. 5.

2. (a) By three several Crown Grants dated the 25th day of March, 1875 Registered Volume 460, Folios 45, 46 and 47, Lots 18, 19 and 20 of section 4 aforesaid were respectively granted to Thomas Surflite Kendall and others as trustees under the Act Wm. IV No. 5 for the following purposes, namely:—

Lot 18 as the site of a dwelling for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland in New South Wales erected at Kiama.

Lot 19 as the site of a school house in connection with the said United Church.

Lot 20 as the site of a church in connection with the said United Church.

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(b) The said lots after resumption of part thereof are now respectively comprised in Certificates of Title Volume 964 Folios 117, 118 and 119 and are vested in the Church of England Property Trust Diocese of Sydney (herein called the Corporate Trust).

3. By Indenture made the 7th day of October, 1892, Registered No. 838, Book 501, between Stanley Mitchell of the one part and the Corporate Trust of the other part Lot 17 of the said Section 4 was conveyed to the Corporate Trust upon trust for the erection and maintenance thereon of a Parsonage or dwelling house for the use of the Minister duly licensed to officiate in Christ Church in the town of Kiama aforesaid.

4. It is expedient—

- (a) to vest in the Corporate Trust the land mentioned in the first recital.
- (b) to vary the trusts of the lands respectively mentioned in the first, second and third recitals in the manner hereinafter mentioned.
- (c) to exchange portion of the said land in manner hereinafter mentioned.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the Trust to which the lands respectively mentioned in the second and third recitals are now subject:—

- (a) it has become inexpedient to carry out and observe such trusts insofar as the same are varied by the said Ordinance;
- (b) it appears expedient to exchange the land mentioned in the first part of the Schedule for the land mentioned in the second part of the Schedule.

2. The Synod hereby consents to the vesting of the land mentioned in the first recital in the Corporate Trust.

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3. All the said lands shall be held on trust for a church rectory and parish hall in connection with the Parish of Christ Church Kiama or partly for one or partly for other or others of such purposes.

4. The Corporate Trust may surrender the land mentioned in the first part of the Schedule to the Governor of the State of New South Wales in exchange for:—

- (a) the grant to the Corporate Trust of the land mentioned in the second part of the Schedule which shall be held on the trusts aforesaid; and
- (b) the sum of £30 which after payment thereof of the costs charges and expenses of and incidental to the exchange and of the ordinance not paid by the Crown shall be paid to the Rector and Churchwardens of the Parish of Christ Church Kiama to be applied by them for all or any of the purposes mentioned in clause (3) hereof.

5. This Ordinance may be cited as the "Christ Church Kiama (Variation of Trust and Vesting and Exchange) Ordinance 1949."

THE SCHEDULE.

1. All that piece or parcel of land situate in the Town and Municipality of Kiama Parish of Kiama County of Camden, containing an area of 1 rood 3 perches more or less, being part of Allotments 15, 16, 17 and 18 of Section 4. Commencing at a point on a north-western boundary of an area of about 11 acres, dedicated for Public Recreation and showground by Gazette 26th August, 1908, bearing 206 degrees 20 minutes 149 feet 1 inch from the south western side of Terralong Street and bounded thence on the south east by part of that boundary bearing 206 degrees 20 minutes 48 feet 11 inches to the south eastern corner of allotment 18, on the south west by part of the south western boundary of that allotment bearing 296 degrees 20 minutes 55 feet, 1½ inches to the north eastern corner of Allotment 17, again on the south east by the south eastern boundaries of Allotments 17, 16 and 15 bearing 206 degrees 20 minutes 198 feet to the south eastern corner of Allotment 15, again on the

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south west by part of the south western boundary of the last named Allotment bearing 296 degrees 20 minutes 37 feet $5\frac{3}{8}$ inches, thence on the north west and north east by lines bearing 26 degrees 37 minutes 20 seconds 245 feet 11 inches and 115 degrees 42 minutes 20 seconds 91 feet $4\frac{1}{2}$ inches to the point of commencement, as shown on plan catalogued Ms. 11192 Sy. in the Department of Lands.

2. All that piece or parcel of land situate in the Town and Municipality of Kiama Parish of Kiama County of Camden containing an area of $\frac{4}{10}$ of a perch more or less being part of allotment 20 Section 4. Commencing on the south western side of Terralong Street at a north western corner of an area of about 11 acres dedicated for Public Recreation and Show Ground by Gazette 26th August, 1908, and bounded thence on the north east by the south western side of Terralong Street, bearing 312 degrees 50 minutes 50 seconds 16 feet $1\frac{1}{2}$ inches, generally on the west by a line being 37 feet $3\frac{3}{8}$ inches of the arc of a circle of 42 feet $0\frac{3}{4}$ inches radius the centre of which lies westerly of a chord bearing 180 degrees 56 minutes 20 seconds 36 feet $0\frac{7}{8}$ inches to a north western boundary of the area dedicated for Public Recreation and Show Ground, aforementioned and bounded thence on the south east by part of that boundary bearing 26 degrees 20 minutes 28 feet to the point of commencement, as shown on plan catalogued Ms. 11193 Sy. in the Department of Lands.

SECOND PART.

All that piece or parcel of land situate in the Town and Municipality of Kiama Parish of Kiama County of Camden containing an area of $23\frac{1}{4}$ perches more or less being Allotment 21 Section 4 as shown on plan catalogued Kiama 48-1091, in the Department of Lands.

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

ARTHUR L. WADE,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 31st day of October, 1949.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

2nd November, 1949.