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*SS. Simon and Jude and St. Luke's Chinese Church.*


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AN ORDINANCE to authorise the sale of land and premises situate in East and Campbell Streets Surry Hills at present known as Saint Simon and Saint Jude's Church property and to declare the Trusts upon which the said property shall be held by the purchaser thereof. AND to amend the "Saint Luke's Chinese Church Sydney Property Investment Ordinance of 1906" and for other purposes incidental thereto.

WHEREAS by an Indenture dated the sixteenth day of March one thousand eight hundred and eighty-one Registered Number 998 Book 215 and made between Anne Sophia Campbell of the first part the Honourable John Campbell of the second part and the Reverend John Douse Langley William Edward Toose (since deceased) and William Hill (since deceased) (therein called Trustees) of the third part certain lands and hereditaments particularly described in the First Schedule hereto with the appurtenances were conveyed and assured unto and to the use of the said Trustees as joint tenants but upon trust for the erection and maintenance thereon of a Church or building which was intended when consecrated to be called "St. Simon and St. Jude's" for the celebration of Public Worship according to the use of the Church now or lately known as The United Church of England and Ireland and for any other purpose in connection with such Church but subject as far as the nature of the property and the circumstances of the case would admit to the provisions of an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the eighth year of the reign of His late Majesty King William IV. intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales." AND WHEREAS by an Indenture dated the twenty-seventh day of June one thousand eight hundred and eighty-four Registered Number 473 Book 292 and made between Edward Joseph Sparke of the one part and the said Trustees of the other part certain lands and hereditaments particularly described in the Second Schedule hereto were granted and released unto and to the use of the said Trustees their heirs and assigns as joint tenants upon the

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trusts and with and subject to the powers and provisions by and in the hereinbefore recited Indenture of the sixteenth day of March one thousand eight hundred and eighty-one declared and contained of and concerning the hereditaments thereby conveyed or such of the same trusts powers and provisions as were then subsisting and capable of taking effect in the same and like manner as if the land and hereditaments by the now reciting Indenture conveyed or intended so to be had been included in the said hereinbefore recited Indenture and had been thereby conveyed to the said Trustees. AND WHEREAS by Deed of Consent bearing date the twenty-first day of May one thousand nine hundred and thirteen Registered Number 674 Book 999 the land and hereditaments described in the First Schedule hereto became vested in the Church of England Property Trust Diocese of Sydney subject to the trusts affecting the same AND WHEREAS the Church known as Saint Simon and Saint Jude's has been erected and maintained as a Parish Church on part of the said land described in the First and Second Schedules hereto in conformity with the said Trust. AND WHEREAS portion of the said lands have been resumed by the Municipal Council of Sydney and now form part of Campbell Street Sydney aforesaid. AND WHEREAS it has become inexpedient to carry out or observe the particular purpose to which the said lands described in the First and Second Schedules hereto or such parts thereof as now remain vested in the respective Trustees thereof are by such trust as aforesaid devoted. AND WHEREAS it is expedient that the said land comprised in the First and Second Schedules hereto (excepting thereout the portion thereof now forming part of Campbell Street Sydney aforesaid) should be sold and the proceeds thereof applied in manner hereinafter provided. AND WHEREAS it is expedient to amend the Saint Luke's Chinese Church Sydney Property Investment Ordinance of 1906 and to make further provision for the application of the compensation moneys held thereunder by the Church of England Property Trust Diocese of Sydney (therein and hereinafter referred to as the "Corporate Trustees"). 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

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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 trusts in the said recited Indentures of the sixteenth day of March one thousand eight hundred and eighty-one and the twenty-seventh day of June one thousand eight hundred and eighty four contained it has become inexpedient to carry out or observe the particular purpose or purposes to which the lands described in the First and Second Schedules hereto are by the said trust devoted.

2. The lands described in the First and Second Schedules hereto (excepting thereout the portion thereof now forming part of Campbell Street Sydney aforesaid) shall be sold by private contract at such price or prices either for cash or on credit with full power to allow portion of the purchase money not paid in cash to remain secured by a mortgage over the said lands and generally upon such terms and conditions as the Trustees thereof may deem expedient freed from such trusts as aforesaid.

3. The purchase money arising from such sale shall be paid to the said Corporate Trustees who shall apply the same in or towards the purchase of other land and buildings or of other land and the erection thereon of another building or other buildings in such position within the boundaries of the said Parish at present known as "Saint Simon and Saint Jude's" Sydney as shall be approved by the Archbishop of Sydney such other lands and buildings as aforesaid to be held upon trust for use as a Church or Mission Hall in connection with the Church of England in the said Parish.

4. Any part of the said purchase money not immediately required to be applied as aforesaid may be invested by the Trustees in any Public Funds or Government Stock or Government Securities or on mortgage of freehold properties 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 and the income arising from any such investment or deposit shall be applied in the first instance towards the maintenance and repair

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of any buildings purchased or erected as aforesaid and any balance not required to be so applied may be devoted to Church purposes in the Parish of Saint Simon and Saint Jude.

5. The Corporate Trustees in addition to the purposes to which the compensation moneys held by them under the Saint Luke's Chinese Church Sydney Property Investment Ordinance of 1906 are thereby directed to be applied shall have power to apply the same in or towards the payment of the purchase money payable in respect of the sale authorised by Clause Two of this Ordinance and the said Saint Luke's Chinese Church Property Investment Ordinance of 1906 is hereby amended so as to authorise such payment.

6. Upon a sale of the property mentioned in Clause 2 hereof the Purchaser thereof shall hold the same as a Trustee with the power of mortgage contained in Clauses 7 and 8 hereof and otherwise upon the following trusts that is to say upon trust for use as a Mission Church Hall or building by the Chinese Christian Congregation in connection with the Church of England in the State of New South Wales and of the Clergyman ministering therein by the authority or license of the Archbishop of Sydney but under the direction supervision and control of the Committee of the New South Wales Church Missionary Association.

7. It is hereby expressly declared that it is expedient to obtain an advance of such sum of money as shall represent the balance of purchase money required to be paid by the Purchaser upon the purchase of the property hereby authorised to be sold in excess of the amount of compensation moneys referred to in Clause 5 of this Ordinance for the purpose of carrying out and giving effect to the trusts or substituted purposes attached to the said property. And it is hereby further declared that the said lands and buildings may be mortgaged by way of security for such advance and that the amount so raised shall be applied towards payment of such purchase money as aforesaid.

8. The said land and buildings thereon may be mortgaged from time to time for the purposes of raising any sum or sums of money not exceeding in the aggregate one thousand pounds with which to discharge or renew the mortgage or mortgages

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now authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof.

9. This Ordinance shall be styled and cited as the "Saint Simon and Saint Jude's Church Property and Saint Luke's Chinese Church Sydney Property Investment Amendment Ordinance 1913."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT parcel of land situate in the City of Sydney bounded on the West by East Street commencing at its intersection with a lane (seven feet wide) bearing South-West eighty-seven feet two inches on the South by lines bearing South-Easterly forty feet and thirty-two feet on the East by a line bearing North-Easterly forty-seven feet three inches dividing it from a portion of Dodd's purchase on the North by a line bearing Westerly four feet being the end of a passage leading to Dodd's purchase again on the East by a line bearing North-Easterly forty-eight feet two inches to first mentioned line along the Western side of said passage and on the North side by a line bearing North-Westerly forty-one feet five inches to the point of commencement containing eighteen and a half perches be the said several dimensions a little more or less.

THE SECOND SCHEDULE HEREINBEFORE  
REFERRED TO.

ALL THAT piece or parcel of land situate in the City of Sydney in the Parish of St. Lawrence and County of Cumberland commencing at the intersection of East Street and Campbell Street and bounded on the South by Campbell Street bearing Easterly eighty feet four inches on the East by a line bearing Northerly twenty-three feet on the North-East by a line bearing North-Westerly eighty-three feet five inches to East Street aforesaid and on the West by that Street bearing Southerly sixty-two feet four inches to the point of commencement be the said several dimensions all a little more or less.

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

EDW. H. ROGERS,  
*Chairman of Committees.*

We certify that this Ordinance was passed on the first day of October, 1913.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

9th October, 1913.

