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*St. James' Sydney Parish Hall Sale Ordinance of 1935.*

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No. 17, 1935.

AN ORDINANCE to authorise the sale of certain land or part thereof known as St. James' Hall and the Australian Pioneers' Club situated in Phillip Street Sydney and for other purposes incidental thereto and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) is the registered proprietor under the provisions of the Real Property Act 1900 of the whole of the land comprised in Certificate of Title dated the Eighth day of May 1901 Volume 1352 Folio 218 holding the same upon trust for the benefit of the Church in the Parish of St. James in pursuance of ordinances of Synod of this Diocese known as the St. James' Sydney Parish Hall Ordinances of 1899 and 1902 respectively and subject to mortgages in the said Ordinances mentioned and the land so held as aforesaid was not in 1899 but is now under the provisions of the Real Property Act and is the land more particularly described in the first and second schedules hereunder as appears in the said Certificate of Title AND WHEREAS by Memorandum of Mortgage under the provisions of the said Act and in pursuance of the said Ordinances the said Trust mortgaged the said land to the Australian Mutual Provident Society to secure the advances therein mentioned AND WHEREAS there is due to the Australian Mutual Provident Society the sum of Nine hundred pounds (£900) as on the twenty-sixth day of March One thousand nine hundred and thirty-five AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said land it is expedient to sell the same or part thereof 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 the Land Ordinance Procedure and Delegation of Powers Ordinances 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 and otherwise in the name and in the place of the said Synod ordains directs declares and rules as follows:—

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1. The said Trust is hereby authorised to sell the lands comprised in the first and second schedules hereto (hereinafter designated the said land) or such parts thereof as it may deem expedient and such sale or sales may be by public auction or private contract together or in lots for cash or on credit at such price or prices and upon such terms and conditions in all respects as the said Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction and for carrying into effect any such sale or sales and for all or any of the purposes aforesaid the said Trust is hereby authorised to execute make and do all such transfers assurances receipts and things as it shall deem proper Provided however that such sale or sales shall not be made for less than a sum determined and approved by the Archbishop of Sydney as Chairman of the Standing Committee and J. A. I. Perry as Solicitor acting for the Rector and Churchwardens and in case of any sale of part of the land then rateably having regard to frontage and area; and pending sale the said Trust may lease the land or any unsold part thereof as in Clause six hereof provided.

2. The proceeds arising from such sale or sales shall be applied:—

- (a) In payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the vendor's costs of the Transfer of the land in pursuance thereof.
- (b) In payment to the Australian Mutual Provident Society of the sum of Nine hundred pounds (£900) or such other sum or sums as may be due together with all costs charges and expenses of and incidental to the discharge of any mortgage or mortgages held by the Australian Mutual Provident Society.
- (c) To pay all rates and taxes in respect of the said land.
- (d) To pay a sum not exceeding Four thousand pounds (£4000) to the Rector and Churchwardens for the time being of St. James' Church Sydney (whose receipt shall be a sufficient discharge) for the purpose of being applied by them for the expenses of roofing the said Church erecting a new ceiling installing ventilation reconditioning stone-work and work incidental thereto in connection with the said Church. Such work and

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payment for the same are to be in the sole discretion of the said Rector and Churchwardens.

- (e) To pay to the Treasurer for the time being of the Church Buildings Loan Fund the sum of One thousand pounds (£1000).

3. Any moneys receivable under or by virtue of any sale under this Ordinance and the accumulations may be invested as follows:—

- (a) Any public funds or Government Stock or Government securities of the Commonwealth of Australia.
- (b) Deposit in the Commonwealth Bank of Australia.
- (c) On fixed deposit in any Bank carrying on business in the State of New South Wales.
- (d) The said Trust may from time to time vary or release such investments.

4. With the approval of the Rector and Churchwardens for the time being of St. James' Church Sydney and of the Standing Committee the said Trust is hereby empowered to purchase or acquire land for a Parish Hall and other Church offices and if necessary to erect thereon such buildings or remodel existing buildings for such purposes.

5. Upon any sale being made of the land or part of the land in the schedule hereto and taking effect under this Ordinance Section 5 of the St. James Parsonage Act 1912 and the provisions of any ordinance affecting or varying the purport or operation of the said section whether as drawn or as hitherto varied so far as they affect or vary the same, shall cease to apply or have effect.

6. This Ordinance shall be cited as the "St. James' Sydney Parish Hall Sale Ordinance of 1935."

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FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situated in the City of Sydney Parish of St. James County of Cumberland State of New

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South Wales being part of land comprised in Primary Application No. 11495 and Certificate of Title registered Volume 1352 Folio 218 Commencing at a point on the Western side of Phillip Street being the North Eastern corner of land in Application No. 10415 and bounded thence on the South by a line bearing and distant 263 degrees 28 minutes 76 feet 6½ inches thence on the West by lines running along the Eastern face of an old stone wall bearing and distant 355 degrees 11 minutes 20 seconds 26 feet 4½ inches and 356 degrees 31 minutes 40 seconds 20 feet 4½ inches thence on the North by a line dividing St. James' Hall from the Australian Pioneers' Club passing partly along an iron railing on centre of dwarf stone wall bearing and distant 83 degrees 26 minutes 77 feet 2½ inches to Phillip Street aforementioned thence on the East by the Western Alignment of that Street bearing and distant 176 degrees 33 minutes 25 seconds 46 feet 9½ inches to the point of commencement and containing an area of 13 perches a little more or less.

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SECOND SCHEDULE REFERRED TO.

All that piece or parcel or land situated in the City of Sydney Parish of St. James County of Cumberland and State of New South Wales being part of land comprised in Primary Application No. 11495 and Certificate of Title registered Volume 1352 Folio 218 Commencing at a point of the Western side of Phillip Street bearing and distant 356 degrees 33 minutes 25 seconds 46 feet 4½ inches from the North Eastern corner of land in Application No. 10415 and bounded thence on the south by a line dividing St. James' Hall from the Australian Pioneers' Club passing partly along iron railings on centre of dwarf stone wall bearing and distant 263 degrees 26 minutes 77 feet 2½ inches thence on the West by a line passing along the Eastern face of an old stone wall bearing and distant 356 degrees 31 minutes 40 seconds 18 feet 10½ inches thence again on the South by a line bearing and distant 266 degrees 19 minutes 1 feet 0 inches thence again on the West by a line bearing and distant 355 degrees 25 minutes 45 seconds 15 feet 9½ inches thence on the North by a line passing between separate walls bearing and distant 86 degrees 16 minutes 78 feet 5 inches to Phillip Street aforesaid thence on the East by the Western Alignment of that Street bearing and distant 176 degrees 33 minutes 25 seconds 30 feet 10½ inches to the

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point of commencement and containing an area of 9½ perches a little more or less.

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-eighth day of October, 1935.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

October, 1935.