
St. Paul's Bankstown Sale Ordinance 1929.

No. 3. 1929.

AN ORDINANCE to authorise the sale of certain land at Bankstown 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 of the whole of the lands comprised in Certificates of Title registered Volume 2412 Folio 67, Volume 2453 Folio 164, Volume 3513 Folio 231, and in Crown Grants registered Volume 1149, Folio 218, Volume 460 Folio 238, Volume 460 Folio 239, and Volume 400 Folio 240.

AND WHEREAS the said lands are church trust property held on behalf of the Parish of St. Paul's Bankstown but no specific trust has been declared with regard to the lands comprised in the said three Certificates of Title and the first mentioned Crown Grant.

AND WHEREAS the land comprised in Crown Grant registered Volume 460 Folio 238 was granted by the Crown to the persons named in the Crown Grant as trustees appointed under "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" upon trust for the erection thereon of a Church of the United Church of England and Ireland as by law established in accordance with "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of religion in New South Wales" and for no other purpose whatsoever.

AND WHEREAS the land comprised in Crown Grant registered Volume 460 Folio 239 was similarly granted by the Crown upon trust for the erection of a school house thereon in connection with the said Church and for no other purpose whatsoever.

AND WHEREAS the land comprised in Crown Grant registered Volume 460 Folio 240 was similarly granted by the

Crown upon trust for the appropriation thereof as a site of a dwelling house garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland in New South Wales erected at Liberty Plains and for no other purpose whatsoever.

AND WHEREAS by the Church of England Trust Property (Amendment) Act (No. 2) 1923 it was inter alia enacted that no title to any land granted by the Crown to or for the use benefit or purposes of the United Church of England and Ireland or the Church of England should be held bad by reason of the breach of any condition trust or proviso contained in the Crown Grant of the land and any right of forfeiture in respect of any such condition should be deemed to have been waived.

AND WHEREAS there is due to the Sydney Church Endowment Fund in respect of the balance of the costs charges expenses purchase money and interest incurred in connection with the purchase of the land comprised in the said Certificate of Title registered Volume 2412 Folio 67 the sum of One hundred and fifty-five pounds two shillings and three pence together with interest thereon at the rate of three pounds per centum per annum from the first day of April One thousand nine hundred and twenty eight.

AND WHEREAS there is due to the Sydney Church Endowment Fund in respect of the balance of costs charges expenses purchase money and interest incurred in connection with the purchase of the land comprised in the said Certificate of Title registered Volume 2453 Folio 164 the sum of Two hundred and eight pounds and two pence together with interest thereon at the rate of three pounds per centum per annum from the first day of April One thousand nine hundred and twenty-eight.

AND WHEREAS the temporary Church now in use for the Parish of St. Paul's Bankstown is erected upon the lands comprised in the two last mentioned Certificates of Title registered Volume 2412 Folio 67 and Volume 2453 Folio 164 which adjoin and form one block.

AND WHEREAS the land comprised in the said Certificate of Title registered Volume 353 Folio 231 was purchased on the Eleventh day of August One thousand nine hundred and twenty-eight for One hundred and five pounds and transferred to the said Trust and the purchase money therefor was obtained by

way of a temporary advance without security because it was deemed expedient to acquire this site for Church purposes without delay.

AND WHEREAS the land comprised in the said Crown Grant registered Volume 1149 Folio 218 is situated at the corner of the Main Southern Road and Auburn Road with a frontage to the Main Southern Road of Two chains and nine and nine-tenths links and to Auburn Road of Five chains and fifty links and is in the vicinity of though not adjoining the lands comprised in the said Crown Grants registered Volume 460 Folio 238 and Volume 460 Folio 239 and Volume 460 Folio 240 the lands comprised in which last mentioned three Crown Grants adjoin and form one block and the land comprised in Crown Grant registered Volume 1149 Folio 218 would be sufficient for church purposes in the event of it being deemed expedient to erect a Church in this vicinity.

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said property it is expedient to sell the lands comprised in Crown Grants registered Volume 460 Folio 238 Volume 460 Folio 239 and Volume 460 Folio 240.

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 Ordinance 1926 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. The said Trust is hereby directed and authorised to sell the lands comprised in the said Crown Grants registered Volume 460 Folio 238, Volume 460 Folio 239, and Volume 460, Folio 240 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 as the Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

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 conveyance of the land in pursuance thereof, and
- (b) In payment to the Sydney Church Endowment Fund of all the costs charges and expenses including purchase money and interest incurred by or due to the said Fund in connection with the purchase of the lands comprised in Certificates of Title registered Volume 2412 Folio 67 and Volume 2453 Folio 164, and
- (c) In payment to the Parish Council of the Church of St. Paul's Bankstown of all costs charges and expenses including purchase money and interest incurred by or due to the said Council in connection with the purchase of the land comprised in Certificate of Title registered Volume 3513 Folio 231, and
- (d) After payment thereof of the costs charges and expenses referred to in sub-clause (a) in payment of ten per centum of the proceeds arising as aforesaid as the same shall be received from time to time to the Treasurer of the Church Buildings Loan Fund for the use in aid of the objects of the said Fund, and
- (e) The balance and the accumulation of income arising therefrom shall be held by the said Trust upon trust to pay and apply the same as the Parish Council of the Church of St. Paul's Bankstown shall deem expedient in or towards the payment of the costs and expenses of the erection of a permanent Church for the said Parish of St. Paul's Bankstown on the lands comprised in the said Certificates of Title registered Volume 2412 Folio 67 and Volume 2453 Folio 164 or on such other land as the said Parish Council with the approval of the Archbishop may deem expedient and the receipts of the Churchwardens for the time being of the Church of St. Paul's Bankstown shall be a sufficient discharge to the Trust for all moneys paid in connection with the erection of such Church as aforesaid.

3. Any moneys receivable under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the possession of the said Trust and not immediately required to be applied as aforesaid may until such application be invested by the said Trust in any one or more of the following investments, that is to say:—

- (1) Investments for the time being allowed by law for the investment of trust funds;
- (2) The purchase of real estate situated within the Commonwealth;
- (3) Mortgage of land situated within the Commonwealth;
- (4) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (5) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth;
- (6) Deposit in any Government Savings Bank within the Commonwealth;
- (7) Fixed Deposit in any Bank carrying on business in the State of New South Wales.

and the said Trust may from time to time vary release or raise money on the security of such investments.

4. This Ordinance may be cited as "St. Paul's Bankstown Sale Ordinance 1929."

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

W. J. G. MANN,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of February, 1929.

C. R. WALSH,
Secretary.

I assent to this Ordinance

GERARD D'ARCY-IRVINE,
Bishop Coadjutor, Commissary.

26th February, 1929.