

DIOCESE OF ARMIDALE.

CATHEDRAL TRUST ORDINANCE, 1896.

Whereas the Cathedral Church of Grafton in the Diocese of Grafton and Armidale and known as Christ Church is built and erected on part of allotments 8 and 10 of Section 9 in the city of Grafton. And whereas by a certain Deed Poll or Crown Grant dated the thirteenth day of January one thousand eight hundred and seventy-nine the Crown did grant unto Thomas Bawden, Patrick Riddle Donaldson, Frederick Doberer, John Edward Chapman, and Richard Payne and their heirs Allotment No. 10 of Section 9 situate in the city of Grafton upon trust as a site for the erection thereon of a Church of the United Church of England and Ireland as is more fully set forth in the Crown Grant Registered volume 280, Folio 194:

And whereas by an Indenture of Conveyance bearing date the 26th March, 1867, and made between Richard Bligh of the one part and the Right Rev. Wm. Tyrrell, D.D., of the other part the said Allotment No. 8 of Section No. 9 of the Town of Grafton was conveyed unto the said Right Rev. Wm. Tyrrell to the uses and upon the trusts thereby disclosed and set forth namely that the Churchwardens for the time being of Christ Church (now Cathedral Church) of Grafton shall have the power to pass the legal estate of in and to the said Allotment of land by deed or writing under their hands witnessed by two or more persons:

And whereas by an Indenture or Mortgage bearing date the ninth day of January, 1884, and made between the then Churchwardens for the time being of Christ Church (now Cathedral Church) of Grafton aforesaid and Thomas Hawkins Smith of near Grafton aforesaid whereby (inter alia) the said Allotment No. 8 of Section No. 9 was granted and conveyed unto the said Thomas Hawkins Smith his heirs and assigns for ever:

And whereas by a certain declaration of trust in writing bearing date the third day of March, 1884, the said Thomas Hawkins Smith did thereby declare and agree that (inter alia) the said allotment of land number eight of section number nine was held by him by way of mortgage only and not of absolute purchase in trust to reconvey and reassign the said allotment of land unto the said Churchwardens for the time being as aforesaid

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upon payment of a sum of £750 advanced by the said Thomas Hawkins Smith with interest thereon as mentioned in the now reciting Declaration of Trust:

And whereas the said Thomas Bawden, Patrick Riddle Donaldson, and Frederick Doberer as such surviving and continuing Trustees in majority as aforesaid individually and collectively have in writing consented to the said Allotment of land No. 10 of Section 9 becoming vested in and transferred to the Corporate Trustees of the said Diocese under and subject to the provisions of the Church of England Trust Property Incorporation Act of 1881:

And whereas Frederick Huleatt Galbraith, Richard Arthur Nevile, and Ventry Alexander John Smith the Churchwardens for the time being of Christ Church (now Cathedral Church) of Grafton with the consent and concurrence of their Mortgagee the said Thomas Hawkins Smith each and every of them individually and collectively have in writing consented to the said Allotment No. 8 of Section No. 9 being vested in and transferred to the Corporate Trustees of the said Diocese in like manner as Allotment No. 10 of Section No. 9 hereinbefore mentioned:

And whereas the Cathedral Church known as St. Peter's Church of Armidale in the Diocese of Grafton and Armidale is built and erected on Allotment No. 4 of Section 8A containing 3 rods and 24 perches of land in the city of Armidale:

And whereas by a certain Deed Poll or Grant dated the 1st November, 1851, from the Crown the said Allotment was granted unto the said Edward Allingham his heirs and assigns in trust for the Church of England:

And whereas the said Edward Allingham departed this life on the 2nd August, 1869, having previously to his death made and executed his last Will and Testament without having devised his trust Estate:—

And whereas it has been discovered from search made in the Registrar General's Office, Sydney, that the allotment of land on which the said Cathedral Church is erected was by an Indenture of Mortgage dated the 28th February, 1860 (inter alia) granted by the said Edward Allingham and Elizabeth Allingham his wife unto David Cohen, Samuel Cohen, and Lewis Wolfe Levy (known

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as David Cohen and Company) to secure repayment of moneys advanced by them. And by another Indenture of further charge of date the 1st February, 1869, between the said parties (inter alia) the said allotment was further charged with a further advance to the said Edward Allingham:

And whereas the assigns of the said Mortgagees have expressed their willingness to reconvey the said Allotment of land admitting it was granted and mortgaged in mistake:

And whereas by a resolution made and passed at the Synod of the Diocese held at Grafton aforesaid on the thirtieth day of April, one thousand eight hundred and ninety-six the said Synod did thereby appoint His Lordship the Bishop of the Diocese to fill the vacancy of the trust in the place and stead of the said Edward Allingham deceased:

And whereas the said Bishop of the Diocese on the vacancy in the trust being reposed in him as aforesaid shall thereupon by such legal assurance as may be necessary transfer and vest the said allotment of land of No. 4 of Section 8A in the city of Armidale aforesaid unto the Corporate Trustees as hereinafter appearing:

Be it therefore ruled ordained directed and declared by the Synod of the Diocese of Grafton and Armidale in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the colony of New South Wales and of all powers vested in the said Synod by the Church of England Trust Property Incorporation Act of 1881 and of the Church of England Property Act of 1889 as follows, that is to say:—

1. The several pieces or parcels of land before mentioned being the said Allotments 8 and 10 of Section 9 in the city of Grafton and Allotment No. 4 of Section 8A in the City of Armidale shall be and become vested in the Corporate Trustees of the said Diocese under and subject to the terms and provisions of the Church of England Trust Property Incorporation Act of 1881.

2. This Ordinance shall be styled and cited as "The Cathedral Trust Ordinance, 1896."

Assented to 2nd May, 1896.