

Epping Land Sale.

2) 1907
AN ORDINANCE to authorise the sale of certain lands situated in the Conventional District of St. Alban's Epping within the Parish of Field of Mars and vested in Trustees in certain trusts for Church purposes in connection with the said District and to provide for the appropriation of the money arising therefrom.

(Assented to 27 September, 1907.)

WHEREAS certain lands situated within the Parish of Field of Mars containing an area of two roods twenty-seven perches being lot twelve section four of the subdivision of the said Field of Mars and being all the lands included in Certificate of Title Volume 1194 Folio 189 were purchased for Church purposes in the names of the Trustees hereinafter mentioned and a School Church was erected thereon and a district called the Conventional District of St. Alban's Epping was attached to the said School-Church and the cost of the said School-Church and part of the price of the said land were defrayed out of moneys raised by public subscription. And whereas the said School-Church is not consecrated. And whereas certain other lands adjoining the lands comprised in Certificate Volume 1194 Folio 189 containing an area of one acre two roods four perches being lots ten and eleven section four of said subdivision and being all the lands comprised in the Certificate of Title Volume 823 Folio 214 were afterwards purchased by the said Trustees. And whereas Henry Albert Brigg Robert Hilliard and Arthur Newham (hereinafter called the Church Trustees) are the registered proprietors in fee simple of the lands comprised in the said Certificates Volume 1194 Folio 189 and Volume 823 Folio 214. And whereas the Church Trustees by Memorandum of Mortgage under the Real Property Act dated the sixth day of September one

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thousand eight hundred and ninety-seven mortgaged the lands comprised in the two said Certificates to Sophia Ambrosia Vanzetti for five years to secure the payment of the sum of three hundred and twenty-five pounds which was duly applied by them in paying the purchase money of the lands included in Certificate Volume 823 Folio 214 and the balance of the purchase money of the lands comprised in Certificate Volume 1194 Folio 189 and the expenses of the said purchases. And whereas by Deed Poll dated the thirteenth day of October one thousand nine hundred the Church Trustees declared that they held the lands comprised in the two last-mentioned Certificates of Title subject to the said Mortgage upon trust for Church purposes in connection with St. Alban's Church Epping and upon further trust to permit a Church to be erected on the said land to be called St. Alban's Church Epping and that the said land and building should be subject to the regulations (so far as applicable) contained in the Sydney Church Ordinance or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first-mentioned Ordinance subject nevertheless to the right of the Church Trustees to be indemnified out of the said lands and their proceeds against any liability under the covenants contained in the said Memorandum of Mortgage. And whereas a Parsonage has been erected upon part of the land comprised in the said Certificate of Title Volume 823 Folio 214 partly with money borrowed from the Church Buildings' Loan Fund and the sum of two hundred and twenty-seven pounds ten shillings is now owing to the said Fund in respect of the said loan. And whereas by an Ordinance entitled the St. Alban's Epping Property Ordinance 1902 leases were authorised of the residue of the lands comprised in the said Certificate of Title Volume 823 Folio 214 being the land described

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in the Schedule hereto but no leases of such lands have been made or granted. And whereas the said residue of the lands comprised in the said Certificate of Title Volume 823 Folio 214 is not required for Church purposes considering the needs actual and prospective of the said Conventional District of St. Alban's Epping. And whereas it is expedient that the said lands comprised in the said Certificate Volume 823 Folio 214 and described in the Schedule hereto should be sold and the proceeds thereof applied in the payment of the said Mortgage and of the said debt on the said Parsonage and the balance (if any) invested and applied as hereinafter provided. 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 "The Church of England Property Act of 1889" or otherwise ordains declares directs and rules as follows:--

1. By reason of circumstances which have occurred since the creation of the said recited trusts it has become inexpedient to carry out or observe as to the part of the lands comprised in Certificate of Title Volume 823 Folio 214 described in the Schedule hereto the particular purpose or purposes to which the said lands are by the said trusts devoted. And it has become expedient to sell the said lands for the purpose of obtaining funds for the payment off of the mortgage debt on St. Alban's Church Epping and of the debt incurred in connection with the Parsonage belonging to the said Church and for other purposes incidental thereto in connection with the Conventional District of St. Alban's Epping.

2. The whole or any part of the land comprised in Certificate of Title Volume 823 Folio 214 and described in the Schedule hereto may be sold by public auction

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or private contract either in one lot or several lots at such prices and upon such terms and conditions as the Most Reverend the Archbishop of Sydney or his Commissary or the Administrator of the Diocese for the time being may deem expedient freed from the Trusts aforesaid to any person or persons company or corporation.

3. The said Henry Albert Brigg, the said Arthur Newham, Charles Ernest Sharp, Mercantile Clerk of Epping aforesaid and the Rev. Henry Bradshaw, Clerk in Holy Orders of Epping aforesaid or any two or three of them are hereby appointed to receive from the purchasers or purchaser the purchase money arising from such sale or sales as aforesaid and they shall apply the same (after payment thereout of the expenses of and incidental to this Ordinance and the discharge of the said Mortgage and the sale or sales and the transfer or transfers of the said property) in and towards the payment of the said mortgage debt on the said Church and the said debt owing to the Church Buildings' Loan Fund in connection with the said Parsonage and shall pay the balance (if any) to the Church of England Property Trust Diocese of Sydney to be held by such Trust upon trust at the request of the Incumbent and Parochial Council or the Incumbent and Churchwardens as the case may be of the said Conventional District of St. Alban's Epping or of any Parish hereafter constituted out of or including such District to apply such balance in and towards erecting and equipping a Church at Epping aforesaid and upon trust until the said balance is required for the purpose before mentioned to invest the same on any securities in which the said Trust is by law allowed to invest moneys with power to vary such investments and from time to time to pay the interest arising therefrom to the Minister for the time being in charge of the said Conventional District or Parish as an addition to his stipend.

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4. This Ordinance shall not repeal or in any way cut down or abridge the provisions of "The St. Alban's Epping Property Ordinance 1902" and shall be read as supplementary to and enlarging the provisions of the said Ordinance.

5. This Ordinance shall be styled and cited as "The St Alban's Epping Property Ordinance 1907."

THE SCHEDULE HEREINBEFORE
REFERRED TO.

All that piece or parcel of land situate at Epping in the State of New South Wales in the Parish of Field of Mars County of Cumberland being part of the land comprised in Certificate of Title Volume 823 Folio 214 containing by admeasurement an area of about one acre one rood and commencing on the Eastern side of Oxford Street at a point where it meets the North-western side of Pembroke Street and bounded thence on the West by Oxford Street bearing North ten degrees fifteen minutes East three hundred and sixteen feet six inches on the North by part of the Southern boundary of allotment nine section four of the Field of Mars subdivision bearing South seventy-nine degrees forty-five minutes East two hundred and twenty feet on the East by a line bearing South ten degrees fifteen minutes West one hundred and eighty four feet or thereabouts to Pembroke Street aforesaid and on the South-East by that Street bearing South sixty-eight degrees thirty-six minutes West two hundred and sixty feet or thereabouts to the point of commencement.
