
Parramatta St. John Land Sale, 1928.

No. 21. 1928.

AN ORDINANCE to authorise the sale of certain lands at Parramatta Parish of St. John's Church Parramatta and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the twentieth day of August One thousand eight hundred and eighty-eight Registered Number 151 Book 395 made between Edwin Ernest Allan Oatley of the first part the Reverend William James Günther and Henry William Colman Fullagar James Gould and Francis Thomas Watkins of the second part and the said William James Günther of the third part all therein described for the consideration therein mentioned the said Edwin Ernest Allan Oatley did thereby grant bargain sell assign release and confirm unto the said William James Günther and his heirs all that piece or parcel of land described in the First Schedule hereto to have and to hold the same unto the said William James Günther and his heirs to the use of the said William James Günther Henry William Colman Fullagar James Gould Francis Thomas Watkins and Edwin Ernest Allan Oatley and their successors and assigns upon trust for the erection upon the said land and hereditaments of a Church in a certain Act of the Governor and Legislative Council of New South Wales made and passed in the eighth year of the reign of His Late Majesty King William the Fourth entitled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" described as "The United Church of England and Ireland" in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of New South Wales made and passed in the seventh year of the reign of His Late Majesty King William the Fourth intituled "An Act to promote the Building of Churches and Chapels and to provide for the maintenance of Ministers of Religions in New South Wales" and for such other purposes in connection with the said Church as the Bishop of Sydney for the time being should from time to time appoint and approve of AND WHEREAS by Deed of Consent

bearing date the thirtieth day of July One thousand nine hundred and twenty-six Registered Number 276 Book 1437 the said Henry William Colman Fullager and Leslie Arthur Wickham being the surviving Trustees of the said land consented that the same should henceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns (hereinafter designated the said Trust) subject to the Trust in the hereinbefore recited Conveyance expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS by Indenture of Conveyance bearing date the seventeenth day of January One thousand nine hundred and twenty-four Registered Number 792 Book 1331 made between Annie Louise Oatley and Percy Allan Oatley (Executors and Trustees of the Will of Edwin Ernest Allan Oatley) (therein and hereinafter called Vendors) of the one part and Samuel Martin Johnstone Leslie Arthur Wickham Henry George Goswell and Arthur Sydney Davies (therein and hereinafter called Purchasers) of the other part for the consideration therein mentioned the said Vendors as such Executors and Trustees as aforesaid did thereby grant and release unto the purchasers and their heirs all that piece or parcel of land described in the Second Schedule hereto to have and to hold the same unto and to the use of the purchasers their heirs and assigns as joint tenants AND WHEREAS by Deed of Consent bearing date the twenty-fifth day of September One thousand nine hundred and twenty-six Registered Number 245 Book 1448 the said purchasers declared that although no Trust was declared the said land was held in Trust for the Parish of the Church of St. John Parramatta and they were desirous that the same should become vested in the said Trust and the said purchasers did and each of them did thereby consent that the said property mentioned in the Second Schedule hereto should henceforth become and be vested in the said Trust their successors and assigns subject nevertheless to such encumbrances liens and interests (if any) as aforesaid and also subject to the said Trust declaring that it held the said property upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John Parramatta And it was thereby declared

that the said Trust its successors and assigns should stand seized of interested in and registered as the proprietor of all and singular the said land and premises upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John Parramatta AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the nineteenth day of February One thousand eight hundred and eighty-one Volume 520 Folio 46 the said Trust is the present registered proprietor of twenty-two and one-half perches of land situated at Parramatta in the Parish of St. John County of Cumberland being lots 29 and 30 of Section 2 on a Plan deposited in the Land Titles Office Sydney No. 415 and being the land more particularly described in the Third Schedule hereto AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the first day of October One thousand nine hundred and fourteen Volume 2520 Folio 71 Walter Sigismund Brown Medical Practitioner Harington Burrough Cowper Accountant and William Peter Noller Contractor were the registered proprietors of that piece of land situated at Westmead in the Shire of Blacktown Parish of St. John and County of Cumberland containing one rood seventeen and one quarter perches being Lots 19 and 20 on a plan deposited in the Land Titles Office Sydney No. 7389 and being more particularly described in the Fourth Schedule hereto AND WHEREAS Walter Sigismund Brown Harington Burrough Cowper and William Peter Noller declared by Declaration of Trust bearing date the seventeenth day of November One thousand nine hundred and twenty-six Registered Number 15149 that they held the said land lastly hereinbefore described upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John Parramatta AND WHEREAS the said Walter Sigismund Brown Harington Burrough Cowper and William Peter Noller by Memorandum of Transfer under the provisions of the Real Property Act 1900 dated the second day of March One thousand nine hundred and twenty-seven transferred the said land to the said Trust subject to such Declaration of Trust and the said Trust is now the registered proprietor of the said land

subject to such Trust AND WHEREAS by Indenture of Conveyance bearing date the nineteenth day of June One thousand nine hundred and five registered Number 32 Book 783 made between John Barnes of the first part William James Gunther Francis Thomas Watkins, Edwin Ernest Allan Oatley, Henry William Colman Fullagar and Leslie Arthur Wickham therein called Trustees of the second part and Charles Ernest Byrnes of the third part all therein described for the consideration therein mentioned the said John Barnes did thereby grant and release unto the said Charles Ernest Byrnes and his heirs All that piece or parcel of land described and comprised in the Schedule thereto being the parcel of land described in the fifth schedule hereto to hold the same unto the said Charles Ernest Byrnes and his heirs to the use of the said Trustees their heirs and assigns Upon Trust to permit a Church School or other Ecclesiastical building to be erected upon the said land and to be subject to the regulations (so far as they might be 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-named ordinance AND WHEREAS by Deed of Consent bearing date the seventh day of March One thousand nine hundred and twenty-eight Registered Number 733 Book 1505 the said Henry William Colman Fullagar and Leslie Arthur Wickham being the surviving Trustees of the said land consented that the same should henceforth become and be vested in the said Trust their successors and assigns subject nevertheless to such encumbrance liens and interests (if any) and also subject to the Trusts in the hereinbefore recited Conveyance expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS the said Trust is the Registered Proprietor of one rood four and three quarter perches of land situate at Parramatta South in the Municipality of Holroyd Parish St. John County of Cumberland being the whole of the land comprised in Certificate of Title dated the fifth day of April One thousand nine hundred and twenty-seven Volume 3989 Folio 46 AND WHEREAS by Declaration of Trust bearing date the thirteenth day of May One thousand nine hundred and twenty-seven Registered in the Land Titles Office Sydney Number 15322 the said Trust declared that it held the said land upon trust to permit the same to be used for a Church Parsonage

or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John's Parramatta at Prospect and Sherwood AND WHEREAS the said land is more particularly described in "A" in the sixth Schedule hereto. AND WHEREAS the said Trust is the Registered Proprietor of two roods five perches of land situate in the Municipality of Prospect and Sherwood Parish of St. John and County of Cumberland being the whole of the land comprised in Certificate of Title dated the twenty-fourth day of June One thousand nine hundred and twenty-six Volume 3879 Folio 80 AND WHEREAS by Declaration of Trust bearing date the twenty-fourth day of September One thousand nine hundred and twenty-six the said Trust declared that it held the said land upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. John's Parramatta AND WHEREAS the said land is more particularly described in "B" in the sixth Schedule hereto AND WHEREAS by Indenture of Conveyance bearing date the fifteenth day of December One thousand nine hundred and twenty-four made between The Permanent Trustee Company of New South Wales Limited and Mary Wills Fraser wife of John Fraser of Blackall Scotland Hotel Proprietor (hereinafter called "the Vendors") of the first part Harington Burroughs Cowper Accountant William Peter Noller Contractor and Walter Sigismund Brown Medical Practitioner all of Parramatta in the State of New South Wales the Trustees of St. John's Church Parramatta (hereinafter called the "Church Trustees") of the second part and The Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trust") of the third part for the consideration therein mentioned the said Vendors did convey and confirm unto the Corporate Trust being the said Trust in fee simple all that piece of land described in the first Schedule thereto to be held by the Corporate Trust upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England at Harris Park in the Parish of St. John's Parramatta AND WHEREAS the said land is described in "C" in the sixth Schedule hereto AND WHEREAS the said Trust acquired the land described in the sixth

Schedule hereto in lieu of the land described in the first second third fourth and fifth Schedules hereto and the land described in the first second third fourth and fifth Schedules hereto is no longer required and it is expedient to sell the same and repay the money advanced for the land described in the sixth Schedule hereto in manner hereinafter appearing AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the land described in the first second third fourth and fifth Schedules hereto it has become expedient to sell the same Now 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 declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts of the land described in the first second third fourth and fifth Schedules hereto it is expedient to sell the same.

2. The said land or any portion or portions thereof may at any time hereafter and from time to time be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the said Trust may deem expedient.

3. The purchase moneys arising from such sale or sales shall be paid to the said Trust and shall be applied by the Trust in payment of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or transfers of the said land in pursuance thereof and the balance applied as follows:—

- (a) Subject to the payments aforesaid the proceeds of the land described in the first second fourth and fifth Schedules hereto shall be paid to the Rector and Churchwardens for the time being of St. John's Church Parramatta (whose receipt shall be a sufficient discharge) and shall be by them applied towards the repayment of the

money advanced for the purchase of land described in "A" and "B" in the sixth Schedule hereto Provided however that in the event of there being a surplus after payment of all the moneys aforesaid then ten per cent. of such surplus shall be paid to the Church Building Loan Fund and the remaining ninety per cent. to the said Rector and Churchwardens for general purposes in the parish of St. John Parramatta.

- (b) Subject to the payments aforesaid the proceeds arising from the land described in the third Schedule hereto shall be paid to the Rector and Churchwardens for the time being of the Church of St. John Parramatta (whose receipt shall be a sufficient discharge) and shall be by them applied towards the purchase of the land described in "C" in the sixth Schedule hereto Provided however that in the event of there being a surplus after payment of all the moneys aforesaid then ten per cent. of such surplus shall be paid to the Church Building Loan Fund and the remaining ninety per cent. to the said Rector and Churchwardens for general purposes in the parish of St. John Parramatta.

4. This Ordinance shall be styled and cited as the "Parramatta St. John Land Sale Ordinance of 1928."

THE FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Parramatta in the Parish of St. John in the County of Cumberland and State of New South Wales being lots one and two of Edwin Ernest Allan Oatley's subdivision of suburban portion fourteen and part of the Old Domain commencing on the Main Western Road at the Southern corner of suburban portion thirteen and bounded thence on the South-east by the Main Western Road bearing South-westerly sixty feet and six inches to lot number three on the South-west by that lot being a line bearing North-westerly one hundred and nineteen feet and two inches to lot five on the North-west by part of that lot being a line bearing North-easterly sixty feet and six inches to the South-west boundary line of suburban portion thirteen aforesaid and on the North-east by

part of that boundary line being a line bearing South-easterly one hundred and eighteen feet and four inches to the point of commencement be the several dimensions all a little more or less.

THE SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land situate and lying at Parramatta Municipality of Prospect and Sherwood Parish of St. John County of Cumberland State of New South Wales and being lot five of Oatley's Park View Estate subdivision of Crown Portion 14 commencing on the North-eastern side of Houison Street at a point distant one hundred and twelve feet six inches North-westerly from the intersection of that side of that street with the Great Western Road and bounded thence on the South-west by the North-eastern side of Houison Street aforesaid North-westerly twenty-five feet thence on the North-west by the South-eastern side of Lot six North-easterly one hundred and thirty-two feet nine inches on the North-east by a line South-easterly twenty-five feet and on the South-east by the North-western boundaries of Lots one two three and four South-westerly one hundred and thirty-two feet nine inches to the point of commencement and containing by admeasurement an area of twelve perches.

THE THIRD SCHEDULE REFERRED TO.

All that piece or parcel of land situated at Parramatta Parish of St. John County of Cumberland State of New South Wales containing by admeasurement twenty-two and one-half perches or thereabouts as shown on the plan endorsed on Certificate of Title and therein edged red being Lots 29 and 30 of Section 2 on a plan deposited in the Land Titles Office Sydney Number 415 and being the whole of the land comprised in Certificate of Title dated the nineteenth day of February One thousand eight hundred and eighty-one Volume 520 Folio 46.

THE FOURTH SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Westmead Parish of St. John County of Cumberland State of New South Wales containing by admeasurement one rood seventeen and one-

quarter perches as shown on the plan endorsed on Certificate of Title and therein edged red being Lots 19 and 20 on a plan deposited in the Land Titles Office Sydney No. 7389 and being the whole of the land contained in Certificate of Title dated the first day of October One thousand nine hundred and fourteen Volume 2520 Folio 71.

THE FIFTH SCHEDULE REFERRED TO,

All that piece or parcel of land situate at Parramatta in the Parish of St. John County of Cumberland and State of New South Wales being Lot three of Edwin Ernest Allan Oatley's subdivision of suburban portion fourteen and part of the Old Domain commencing at a point forty-two feet north-easterly from the intersection of the Western Road with Harrison Street and bounded thence on the south-east by the Main Western Road bearing north-easterly thirty feet three inches to Lot two on the north-east by that Lot being a line bearing north-westerly one hundred and nineteen feet two inches to Lot five on the north-west by part of that Lot being a line bearing south-westerly thirty feet three inches to Lot four and on the south-west by that Lot being a line bearing south-easterly one hundred and nineteen feet seven inches to the point of commencement be the said several dimensions a little more or less.

THE SIXTH SCHEDULE REFERRED TO.

"A"

All that piece or parcel of land situated at Parramatta South in the Municipality of Holroyd Parish of St. John and County of Cumberland in the State of New South Wales containing by admeasurement one rood four and three quarter perches or thereabouts as shown on the plan endorsed on Certificate of Title and therein edged red being Lots 3 and 4 of a subdivision of Allotments 5 and 6 of Section 43 as shown on the plan lodged with the Real Property Application No. 27927 and being the whole of the land described in Certificate of Title dated the fifth day of April One thousand nine hundred and twenty-seven Volume 3989 Folio 46.

"B"

All that piece or parcel of land situated in the Municipality of Prospect and Sherwood Parish of St. John County of Cumberland containing two roods five perches or thereabouts as shown on the plan endorsed on Certificate of Title therein edged red and being the whole of the land comprised in Certificate of Title dated the twenty-fourth day of June One thousand nine hundred and twenty-six Volume 3870 Folio 80.

"C"

All that piece or parcel of land situate in the Town of Parramatta Parish of Saint John County of Cumberland and State of New South Wales being Lots Fifteen and Seventeen of Section Three of John Harris' subdivision of part of James Ruse's thirty acres Grant Experiment Farm Commencing at a point in Crown Street being the North West corner of Lot Nineteen distant from Elizabeth Street Westerly two hundred and sixty-two feet and bounded thence on the east by said Lot Nineteen bearing Southerly One hundred and sixty-five feet to Lots Sixteen and Eighteen thence on the South by Lots Sixteen and Eighteen bearing Westerly One hundred and thirty-two feet to Lots Twelve and Thirteen thence on the West by a line dividing it from Lot Thirteen aforesaid bearing Northerly One hundred and sixty-five feet to Crown Street aforesaid and thence on the North by that Street bearing Easterly One hundred and thirty-two feet to the point of commencement be the said dimensions all respectively a little more or less.

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 this third day of December, 1928.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th December, 1928.