
*St. Matthew's Windsor Sale and Mortgage
Ordinance 1937.*

No. 15, 1937.

AN ORDINANCE to authorise the sale and/or mortgage of certain land situate in Windsor Terrace and Cornwallis Road, Windsor, and the sale of certain land situate at Clarendon near Windsor and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant bearing date the twenty-ninth day of May One thousand eight hundred and forty-three recorded in the Register of Grants of the United Church of England and Ireland No. 78 page 29 on the fourth day of July One thousand eight hundred and forty-three the land therein mentioned and described in the first schedule hereto was granted unto the Right Reverend William Grant Broughton D.D. Bishop of Australia or the Bishop of Australia for the time being Francis Beddek Samuel North Thomas Tebbutt and John Panton being respectively Trustees nominated and appointed under and by virtue of an 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 intituled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and to their heirs and assigns subject to the trusts conditions reservations and provisoes thereafter contained to hold unto the said Bishop of Australia or the Bishop of Australia for the time being Francis Beddek Samuel North Thomas Tebbutt and John Panton their heirs and assigns for ever yielding and paying therefor yearly the quit rent or sum of one farthing forever if demanded upon trust for the appropriation thereof as a portion of the Glebe annexed to the Church of the United Church of England and Ireland as by law established erected at Windsor and known as Saint Matthew's 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 said 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 Religion in New South Wales" so far as the same might apply to the Trusts of the Grant and for no other purpose whatsoever and subject to the further conditions therein mentioned AND

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WHEREAS the Most Reverend Howard West Kilvinton Mowl D.D. Archbishop of Sydney as the Bishop of the Diocese of Sydney has requested and it is expedient that the said land should henceforth become and be vested in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") its successors and assigns subject nevertheless to such encumbrances liens and interests (if any) and also subject to the trusts in the said Crown Grant expressed and contained or to so much of the same as were still subsisting undetermined and capable of taking effect AND WHEREAS the said land is Church Trust Property AND WHEREAS the rectory belonging to the Parish of Saint Matthew Windsor is erected upon the land in the second schedule hereto (being part of the land in the first schedule hereto) AND WHEREAS the land in the third schedule hereto is the residue of the land in the first schedule hereto after excluding therefrom the land in the second schedule hereto AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it has become inexpedient to carry out and observe such trusts in their entirety and it is expedient to mortgage the land in the second schedule hereto and to apply the proceeds in restoring renovating and improving the said rectory and other improvements erected thereon and for other purposes in manner hereinafter appearing and to sell the land comprised in the third schedule hereto and to apply the proceeds in restoring renovating and improving the said rectory and other improvements erected thereon or in discharging any debt owing upon the land in the second schedule hereto and the said rectory and other improvements erected thereon and for other purposes in manner hereinafter appearing AND WHEREAS by Land Grant dated the twelfth day of January 1898 Registered Volume 1236 Folio 192 it was recited that the land therein described and intended to be thereby granted was in the year 1836 duly appropriated and set apart as a Glebe annexed to the Church of the United Church of England and Ireland in New South Wales erected at Windsor and known as St. Matthew but no grant thereof had been issued AND WHEREAS by the Grant now in recital the land therein mentioned and described in the fourth schedule hereto was granted unto the said Corporate Trustees to hold unto the said Corporate Trustees its successors and assigns forever upon trust as a Glebe annexed to the Church aforesaid in connection with the Church of England in New South Wales or otherwise for the benefit of the said Church in conformity with

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the provisions of the Church of England Trust Property Incorporation Act 1881 and of the Church of England Property Act 1899 or any other Act relating thereto and for no other purpose whatsoever and subject to the further conditions therein mentioned AND WHEREAS the said land is Church Trust Property AND WHEREAS by reason of circumstances subsequent to the creation of the lastly mentioned trusts it has become inexpedient to carry out and observe such trusts in their entirety AND it is expedient to sell the said land being the land comprised in the fourth schedule hereto and to invest the proceeds in manner hereinafter appearing Now the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts of the land firstly hereinbefore recited it is expedient to vest the same (being the land comprised in the first schedule hereto) in the Corporate Trustees.

2. The Synod hereby consents to the said land being vested and the same is hereby vested in the Corporate Trustees.

3. By reason of circumstances subsequent to the creation of the trusts of the land firstly hereinbefore recited it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to mortgage the land comprised in the second schedule hereto.

4. (i) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the second schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Nine hundred pounds.

(b) When the power is subsequently exercised such sum not exceeding Eight hundred and fifty pounds or such other sum as the Standing Committee shall by resolution determine.

(ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(iii) A document purporting to be certified by the Archbishop or Registrar of the said Diocese as a copy of any such

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resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgagee be conclusive evidence that such resolution was duly passed.

5. The proceeds of the mortgage shall stand charged with the payment of all outgoings properly chargeable against the said land or any part thereof and all costs charges and expenses of such mortgage and without limiting the generality thereof of any other matters authorised to be done and completed by this Ordinance including all costs charges and expenses of and incidental to this Ordinance subject thereto such proceeds shall be paid to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in or towards restoring renovating and improving the rectory and other improvements erected on the land comprised in the second schedule hereto and in payment of all architects or other fees costs charges and outgoings incidental thereto.

6. The Rector and Churchwardens for the time being of St. Matthew's Church Windsor shall within seven days of the date of holding the annual vestry meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, amounts paid off and the balance owing.

7. By reason of circumstances subsequent to the creation of the trusts of the land firstly and secondly hereinbefore recited it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to sell the land comprised in the third and fourth schedules hereto.

8. The said Corporate Trustees may from time to time sell the said land or any portion or portions thereof 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 Corporate Trustees may deem expedient.

9. The said Corporate Trustees are hereby authorised and empowered to subdivide the said land and for the purpose of such subdivision or for any other purpose to grant and dedicate and to form and make any roads, paths, drains, water-courses,

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rights-of-way or other easements or rights thereout or in connection therewith and to grant and dedicate any land for any public purpose as the Corporate Trustees may deem expedient and to register any plan or plans of subdivision with the Registrar-General, Sydney. And the said Corporate Trustees are hereby directed to execute the deed or deeds or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect any sale or sales or other dealing matter or thing authorised by this Ordinance.

10. The purchase money arising from such sale or sales shall be paid to the said Corporate Trustees and shall be applied by the said Corporate Trustees in payment of all outgoing properly chargeable against the said land or any part or parts thereof and of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or conveyance or the subdivision of the said land or any part or parts thereof and the matters referred to in this Ordinance or such or all of them as have not already been paid pursuant to Clause 5 hereof and subject thereto such proceeds shall be applied by the Corporate Trustees firstly in restoring renovating and improving the said rectory and other improvements erected on the land comprised in the second schedule hereto or in discharge of any mortgage owing upon the land comprised in the second schedule hereto and secondly any balance in the hands of the Corporate Trustees shall be invested upon fixed deposit in any banking company carrying on business within the State of New South Wales or in any one of the investments for the time being allowed by law of any of the States of the Commonwealth of Australia for the investment of trust funds and the Corporate Trustees may from time to time vary or release any of such investments and the income arising therefrom shall be applied firstly in paying to the Rector for the time being of the Church of Saint Matthew Windsor (whose receipt shall be a sufficient discharge therefor) of an annual sum of not less than One hundred pounds (£100) in so far as such income will extend as an addition to the stipend and the balance of such income shall be paid to the Rector and Churchwardens for the time being of the Church of Saint Matthew Windsor (whose receipt shall be a sufficient discharge therefor) to be applied by them in maintaining repairing renovating and improving the said Church of Saint Matthew Windsor and the said Rectory.

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11. This Ordinance may be styled or cited as "Saint Matthew's Windsor Sale and Mortgage Ordinance 1937."

FIRST SCHEDULE.

ALL THAT piece or parcel of land containing by admeasurement eight acres and two roods be the same more or less, situated in the County of Cumberland and Parish of Saint Matthew town of Windsor bounded on the South-East by Cox Street bearing South thirty-three and one-half degrees West five chains ten links and by a line West thirty-three and one-half degrees South six chains twelve links on the South West by a line West thirty-six degrees North seven chains seventy-seven links on the North-West by a line North thirty-nine and one-half degrees East eight chains seventy links and on the North-East by a line East twenty-two degrees South nine chains forty-five links to Cox Street. (Advertised as No. 60 in the Government Notice dated 1st March 1843).

SECOND SCHEDULE.

ALL THAT piece or parcel of land containing 1 acre 3 roods 34 perches situated in the Municipality of Windsor Parish of St. Matthew County of Cumberland and State of New South Wales being part of 8 acres 2 roods originally granted to the Right Reverend William Grant Broughton D.D. Francis Beddek Samuel North Thomas Tebbut and John Pantor by Crown Grant dated the 29th day of May 1843 Commencing at the intersection of the North-Eastern side of Cornwallis Road with the North-Western side of Moses Street aforesaid bearing 56 degrees 6 minutes 35 seconds for 375 feet 5½ inches thence on the North-East by a line partly fenced bearing 324 degrees 34 minutes 30 seconds for 272 feet 6 inches thence on the North-West by a line bearing 219 degrees 17 minutes 30 seconds for 445 feet 5½ inches to the North-Eastern side of Cornwallis Road aforesaid thence on the South-West by the side of that road bearing 124 degrees 3 minutes for 155 feet to the point of commencement.

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THIRD SCHEDULE.

ALL THAT piece or parcel of land containing 6 acres 2 roods 22½ perches situated in the Municipality of Windsor Parish of St. Matthew County of Cumberland and State of New South Wales being part of 8 acres 2 roods originally granted to the Right Reverend William Grant Broughton D.D. Francis Beddek Samuel North Thomas Tebbutt and John Panton by Crown Grant dated the 29th day of May 1843 Commencing at the intersection of the North-Western side of Windsor Terrace with the North-Western side of Moses Street bounded thence on the South-East by the North-Western side of Windsor Terrace aforesaid bearing 33 degrees 56 minutes 40 seconds for 330 feet 4½ inches to the southernmost corner of Lot 1 shown on Deposited Plan numbered 12710 thence on the North-East partly by the South-Western boundary of that lot being a fenced line bearing 292 degrees 17 minutes for 499 feet thence again on the North-East by a fenced line bearing 293 degrees 18 minutes for 123 feet 6½ inches thence on the North-West by a fenced line bearing 219 degrees 55 minutes for 195 feet 11½ inches thence again on the North-West by a fenced line bearing 219 degrees 17 minutes 30 seconds for 376 feet 4 inches to the North-Eastern side of Cornwallis Road thence on the South-West by the side of that road being lines bearing 125 degrees 52 minutes for 57 feet 6 inches and 124 degrees 3 minutes for 304 feet 4½ inches thence again on the South-East by a line bearing 39 degrees 17 minutes 30 seconds for 445 feet 5½ inches thence again on the South-West by a line bearing 144 degrees 34 minutes 30 seconds for 272 feet 6 inches to the North-West side of Moses Street aforesaid and thence again on the South-East by the side of that street bearing 56 degrees 6 minutes 35 seconds for 18 feet 10½ inches to the point of commencement.

FOURTH SCHEDULE.

ALL THAT piece or parcel of land containing by admeasurement thirty-one acres one rood thirty-four perches be the same more or less situated in the County of Cumberland and Parish of Ham Common commencing on the North-Eastern side of a road one chain wide at a point bearing North fifty-three degrees East and distant one chain from the Northern corner of portion one hundred and twenty, of four acres three roods twenty perches

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and bounded thence on the South-West by that road dividing it partly from that portion and from portion one hundred and twenty-one, of four acres thirty-seven perches bearing about South thirty-eight degrees ten minutes East twenty-six chains forty-four and a half links on the South-East by part of the North-Western boundary of portion one hundred and twenty-two of four acres two roods twenty-one perches Parishes of St. Matthew and Ham Common and a line dividing it from two hundred acres appropriated for a racecourse Parishes of St. Matthew and Ham Common in all bearing about North fifty-five degrees nine minutes East twelve chains four links on the North-East by a line dividing it from the aforesaid two hundred acres bearing North thirty-eight degrees twenty-one minutes West twenty-six chains eighty-nine and a half links and on the North-West by a road one chain wide dividing it from part of three thousand one hundred and ninety-five acres appropriated for a site for an Agricultural College bearing South fifty-three degrees West eleven chains ninety-three and a half links to the point of commencement.

EXCLUSIVELY of a road one chain wide passing through this land in a northerly direction the area of which has been deducted from the total area and being the whole of the land comprised in Land Grant Registered Volume 1236 Folio 192.

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-seventh day of September, 1937.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

29th September, 1937.