

Strathfield Land Sale and Mortgage.

3/1914

AN ORDINANCE to authorise the sale of certain lands situated in Vernon Street and Alyiston Road Strathfield vested in certain Trustees and the appropriation of the proceeds of sale in paying off a certain mortgage on the said lands and in and towards the erection of a Rectory on certain other lands situate in the Homebush Road in Strathfield and to mortgage the said lands in Homebush Road Strathfield for such purpose.

WHEREAS by Memorandum of Transfer under the provisions of the Real Property Act bearing date the 1st day of May 1888 John Booth Jones transferred to George James Sly Cornelius Frederick Edwards and Frederick William Binney ALL THAT piece of land situate at Strathfield in the Parish of Concord County of Cumberland containing 2 roods and 8 perches or thereabouts and being lots 6 and 6a on plan deposited in the Land Titles Office Sydney Numbered 528 the said land having 120 feet frontage to Vernon Street by a depth of 200 feet AND WHEREAS by Declaration of Trust bearing date the said 1st day of May 1888 under the hands and seals of the said George James Sly Cornelius Frederick Edwards and Frederick William Binney they the said George James Sly Cornelius Frederick Edwards and Frederick William Binney (therein called Trustees) thereby acknowledged that the said land had been transferred to them as Trustees only and that they and the survivors and survivor of them should and would at all times thereafter hold stand seised or be interested in the said land UPON TRUST for the erection and maintenance thereon of a house or parsonage with the necessary outbuildings as a residence for the Incumbent of or (if none) the Clergyman for the time being officiating at or in the Church of England at Strathfield known as or called "Saint Annes" AND UPON TRUST to permit the said Incumbent or Clergyman to reside therein free of rent but so long only as he should continue to officiate at Saint Annes as the Clergyman of the Parish AND IT WAS THEREBY PROVIDED that it should be lawful for the said Trustees to raise by mortgage of the property such sum or sums of money as should be required or necessary to erect such house

Strathfield Land Sale and Mortgage.

parsonage or residence as aforesaid or for keeping the same when erected in proper repair and to enter into make and execute such mortgage or security as might be necessary AND WHEREAS in pursuance of the Declaration of Trust it was decided to erect a parsonage on the said lands AND WHEREAS by Memorandum of Mortgage bearing date the 3rd day of May 1888 the said George James Sly Cornelius Edwards and Frederick William Binney in consideration of £1500 lent to them by the Honorable Edward Knox and Robert Hills did thereby mortgage to the said Edward Knox and Robert Hills all their estate and interest as registered proprietors in the said lands AND WHEREAS the said sum of £1500 was applied towards the erection of a parsonage on the said land in pursuance of the said Declaration of Trust AND WHEREAS the said mortgage was duly transferred to and is now vested in the Board of Directors of the Clergy Provident Fund (Sydney) and the sum of £1200 is the principal money now due to the said Board of Directors of the Clergy Provident Fund (Sydney) under the said mortgage AND WHEREAS at the time of the erection of the said parsonage the Church of St. Annes was built on land adjoining thereto AND WHEREAS subsequently in pursuance of an Ordinance of the Synod assented to on the 7th day of August 1891 the lands on which the said St. Annes Church was built were sold and the proceeds applied towards the purchase of a new site for the Church of St. Annes Strathfield on the Homebush Road. AND WHEREAS a new Church of St. Annes Strathfield was accordingly built on the said site on the Homebush Road AND WHEREAS it was subsequently deemed advisable to purchase a narrow strip of land adjoining the said land situate in Vernon Street Strathfield on which the said parsonage was erected and accordingly that piece of land situate at Strathfield Municipality of Strathfield Parish of Concord and County of Cumberland containing 2½ perches and being part of a four feet reserve on a plan deposited in the Land Titles Office Sydney Numbered 538 was so purchased out of the funds belonging to the Church of St. Annes Strathfield aforesaid and a Certificate of Title to the said land was issued dated the 17th day of May 1911 in the names of the said George James Sly and Charles Cadell Capper Volume 2147 folio 88 in Register Book AND WHEREAS the said Cornelius Frederick Edwards died on the 24th day of August 1897 and the said

Strathfield Land Sale and Mortgage.

Frederick William Binney died on the 15th day of July 1901. AND WHEREAS by a Declaration of Trust dated the 7th day of January 1914 under the hands of George James Sly and Charles Cadell Capper they did thereby acknowledge that the said land comprised in Certificate of Title Volume 2147 folio 88 had been transferred to them as Trustees only and that they and the survivors and survivor of them should and would at all times thereafter hold stand seised of and interested in the said land UPON TRUST to permit the Incumbent for the time being officiating at or in the Church of England at Strathfield aforesaid known as "Saint Annes" to use the said land free of rent but so long only as he should continue to officiate at St. Annes as the Clergyman of the Parish AND WHEREAS the land firstly described in the First Schedule hereto is the land now vested solely in the said George James Sly as such Trustee as aforesaid and the land secondly described in the First Schedule hereto is the land vested in the said George James Sly and the said Charles Cadell Capper as such Trustees as aforesaid AND WHEREAS certain land described in the Second Schedule hereto situate on the Homebush Road Strathfield and adjoining the said land on which the said Church of St. Annes is now erected was purchased out of the funds of the said Church of St Annes and by Indenture of Conveyance bearing date the 8th day of April 1910 made between William Russell and Edward Henry Tarrant Russell of the one part and the Reverend Herbert John Rose George James Sly and Charles Cadell Capper of the other part the said lands described in the said Second Schedule hereto were thereby conveyed to the said the Reverend Herbert John Rose George James Sly and Charles Cadell Capper AND WHEREAS by a Declaration of Trust bearing date the 7th day of January 1914 under the hands of Herbert John Rose George James Sly and Charles Cadell Capper they the said Herbert John Rose George James Sly and Charles Cadell Capper acknowledged and declared that the land therein described being the land referred to in the Second Schedule hereto had been transferred to them as Trustees only and that they and the survivors or survivor of them and the heirs executors and administrators of such survivor and their respective assigns should and would at all times stand seised of and interested in the said land UPON TRUST for the erection and maintenance thereon of a house or

Strathfield Land Sale and Mortgage.

parsonage with the necessary outbuildings as a residence for the Incumbent of or (if none) the Clergyman for the time being officiating at or in the Church of England at Strathfield aforesaid known as "Saint Annes" AND UPON TRUST to permit the said Incumbent or Clergyman to reside therein free of rent but so long only as he should continue to officiate at St. Annes as the Clergyman of the Parish PROVIDED that nothing therein contained should be deemed or held to impose on them or the Trustees for the time being any personal or individual liability to erect or maintain such house parsonage or outbuildings AND it was thereby provided that it should be lawful for the said Trustees to raise by mortgage of the property such sum or sums as should be required or necessary to erect such house parsonage or residence as aforesaid or for keeping the same when erected in proper repair AND WHEREAS it is expedient that the said lands comprised in the said First Schedule hereto should be sold and the proceeds thereof applied in the first place in the payment of the said mortgage debt and the balance (if any) applied towards erecting a rectory or parsonage on the lands described in the Second Schedule hereto AND WHEREAS it is also expedient that Herbert John Rose George James Sly and Charles Cadell Capper should be enabled to mortgage the said lands described in the Second Schedule hereto for the purpose of erecting a rectory or parsonage thereon. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitution 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 1889" or otherwise ordains declares directs and rules as follows :--

1. By reason of the circumstances which have occurred since the creation of the said recited Trusts it has become inexpedient to carry out or observe the particular purpose or purposes to which the lands described in the said First Schedule hereto are by the said Trusts devoted and it has become expedient to sell the said lands for the purpose of paying off the mortgage debt on the parsonage erected on the said lands described in the First Schedule hereto.

Strathfield Land Sale and Mortgage.

2. The land firstly described in the First Schedule hereto may be sold by public auction or private contract either in one lot or several lots at such prices and upon such terms and conditions as the said George James Sly the now sole Trustee thereof may deem expedient freed from the Trusts aforesaid to any person or persons company or corporation and the land secondly described in the First Schedule hereto may be sold by public auction or private contract either in one lot or several lots at such prices and upon such terms and conditions as the said George James Sly and Charles Cadell Capper may for the time being deem expedient freed from the Trusts aforesaid to any person or persons company or corporation.

3. The said the Reverend Herbert John Rose the said George James Sly and the said Charles Cadell Capper 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 in manner following that is to say:—Firstly in payment of the principal money and interest due under the said recited Memorandum of Mortgage and the costs in respect of the discharge of the same mortgage and Secondly in payment of the expenses of and incidental to this Ordinance and lastly the balance (if any) shall be applied towards erecting a rectory or parsonage upon the said lands described in the Second Schedule hereto and until the said balance is so required for the said purpose lastly mentioned the said the Reverend Herbert John Rose George James Sly and Charles Cadell Capper shall invest the same on any securities in which Trustees are by law authorised to invest moneys and pending such investment may be deposited with any Government Savings Bank or with any Joint Stock Company carrying on the business of bankers in Sydney and the interest arising from any such investment shall be accumulated and all such accumulation shall follow the destination of the original fund.

4. It shall be lawful for the said the Reverend Herbert John Rose George James Sly and Charles Cadell Capper or the survivors or survivor of them or other the Trustee or Trustees for the time being of the said lands described in the Second Schedule hereto to cause to be erected on the said lands described in the said Second Schedule hereto a house or parsonage with

Strathfield Land Sale and Mortgage.

the necessary outbuildings as a residence for the Incumbent for the time being officiating at or in the Church of England at Strathfield aforesaid known as or called Saint Annes and permit the said Incumbent or Clergyman to reside therein free of rent; but so long only as he shall continue to officiate at Saint Annes as the Clergyman of the Parish and the said the Reverend Herbert John Rose George James Sly and Charles Cadell Capper or the survivors or survivor of them or other the Trustee or Trustees for the time being of the said land are hereby authorised to raise by mortgage of the property such sum or sums of money as shall be required or necessary to erect or complete the erection of such house parsonage or residence as aforesaid and to enter into make and execute such mortgage or security as may be necessary such mortgage or security to contain a power of sale and such other powers and provisions as may be deemed necessary Provided however that no lender shall be obliged to see that the money so raised is duly expended or that such mortgage is necessary or shall be or they be under any liability or obligation in respect thereof.

THE FIRST SCHEDULE BEFORE REFERRED TO.

Firstly ALL THAT piece of land situated at Strathfield Parish of Concord County of Cumberland containing two roods eight perches or thereabouts being lots 6 and 6a on a plan deposited in the Land Titles Office Sydney Numbered 528 the land having a frontage of 120 feet to Vernon Street with a depth of 200 feet and being the whole of the land comprised in Certificate of Title dated 9th July 1888 Volume 888 folio 1 in Register Book and

Secondly ALL THAT piece of land situate at Strathfield in the Municipality of Strathfield Parish of Concord County of Cumberland containing 2½ perches being part of a four feet Reserve on a plan deposited in the Land Titles Office Sydney Number 538 such land having a frontage of 4 feet to Vernon Street and a frontage of 200 feet to Alviston Road and being the whole of the land comprised in Certificate of Title dated the 17th day of May 1911 Volume 2147 folio 88 in Register Book.

Strathfield Land Sale and Morigage.

THE SECOND SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate in the Parish of Concord County of Cumberland in the State of New South Wales being Lot 3 and part of Lot 2 Section two of the Bathampton Estate commencing at the Southernmost corner of Lot three aforesaid distance about two hundred and forty-eight feet four inches from the North-Eastern intersection of Homebush Road with Albert Road and bounded thence on the West by the Homebush Road being a line running North one hundred and thirty-five feet six inches or thereabouts to the Southern corner of land conveyed by William Russell to the Trustees of St. Anne's Church thence on the North-West by that land being a line running North-Easterly two hundred and thirty-five feet four inches or thereabouts to a point on the North-East boundary of Lot two thence on the North-East by a line running South-Easterly being part of the North-East boundary of Lot two and the North-East boundary of Lot three one hundred and twelve feet nine inches or thereabouts to the Easternmost corner of Lot three aforesaid and on the South-East by the South-Eastern boundary of that Lot being a line running South-Westerly three hundred and ten feet to the point of commencement.

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

E. W. MOLESWORTH,
Chairman of Committees.

We certify that this Ordinance was passed on 30th September, 1914.

E. CLAYDON } *Secretaries of*
W. R. BEAVER } *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

6th October, 1914.