
All Saints' School, Petersham, Land Sale, 1925.

AN ORDINANCE to authorise⁵ the sale of certain land situated at Petersham in the State of New South Wales held upon trust for the erection and maintenance of All Saints School and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS by Indenture of Conveyance dated the twenty-first day of July One thousand eight hundred and fifty-eight Registered Number 571 Book 57 made between the Reverend Charles Frederic Durham Priddle (thereinafter called Vendor) of the one part and the Reverend Thomas Hattam Wilkinson Richard Sadleir and John Russell Jones (thereinafter called Trustees) of the other part the lands described in the First Schedule hereto were conveyed to the said Trustees upon Trust to erect and maintain or permit to be erected and maintained thereon a school house to be used for the teaching and instruction of children either gratuitously or otherwise according to such system under such regulations and in such manner in all respects as should from time to time be directed or sanctioned by the Trustees or Trustee for the time being of the Conveyance now in recital together with the clergyman or minister of the United Church of England and Ireland for the time being authorised to officiate in the Church or Chapel then built or thereafter to be built for the celebration of Divine Worship according to the rites and doctrines of the United Church of England and Ireland within the Parish or District within which the said land was situated or by the majority of them and upon further trust to erect and maintain or permit to be erected and maintained on the said land a building or buildings to be used as a place of residence for the School Master or School Masters for the time being of the said school PROVIDED ALWAYS and it was thereby agreed that it should be lawful for the Trustees or Trustee for the time being thereof for any of the purposes aforesaid from time to time to take up and borrow at interest any sum or sums of money and to release convey and assure the said land and buildings to the person or persons lending such sum or sums their heirs executors administrators or assign with powers of sale and such other powers as were usual in

4 *All Saints' School, Petersham, Land Sale, 1925.*

confirm the gift of the said sum of six hundred and sixty pounds (£660) and the Mortgagees declared that they held the said mortgage security which represented the said sum of six hundred and sixty pounds (£660) upon Trust for the purposes of the said school AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the twenty-eighth day of January one thousand eight hundred and seventy-four Registered Volume 174 Folio 247 it was certified that Henry Andrew Palmer was registered as the Proprietor of the whole of the land comprised in the said Certificate of Title being the land described in the Second Schedule hereto and on the back of such Certificate of Title there was endorsed a Declaration by the said Henry Andrew Palmer that he stood possessed of the said land upon Trust to permit and suffer the same to be occupied used and enjoyed by the Master and Scholars of a certain school established at Petersham in connection with the Church of England Subject however in all respects to such orders and regulations respecting the same as should from time to time be made by the Archbishop of Sydney and his successors AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the nineteenth day of May One thousand eight hundred and seventy-one Registered Volume 120 Folio 103 it was certified that the Right Reverend The Bishop of Sydney was registered as the Proprietor of the whole of the land comprised in such Certificate of Title being the land described in the Third Schedule hereto AND WHEREAS the said last mentioned land is in fact held 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 All Saints Petersham in the State of New South Wales though no specific trust document has been executed with regard thereto AND WHEREAS by Deed of Consent dated the twenty-second day of December One thousand nine hundred and twenty-four Registered Number 723 Book 1371 the said Alfred Edmund Jaques as surviving Trustee of the land described in the First Schedule hereto consented that such land should vest in the Church of England Property Trust Diocese of Sydney its successors and assigns AND WHEREAS by Deed of Consent dated the twenty-sixth day of November One thousand nine hundred and twenty-

four the Most Reverend John Charles Wright (as to the land described in the Second Schedule in the place of the said Henry Andrew Palmer who died on or about the fifth day of May One thousand eight hundred and seventy-nine) consented that the lands described in the Second and Third Schedules should vest in the Church of England Property Trust Diocese of Sydney its successors and assigns AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to sell the land so described in the First and Second Schedules hereto Now the Standing Committee 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 Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purpose of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to 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. By reason of circumstances subsequent to the creation of the hereinbefore mentioned trusts it is expedient to sell the said lands described in the First and Second Schedules hereto.

2. The said lands described in the First and Second Schedules hereto may be sold by public auction or private contract either in one lot or in several lots at such time or times at such price or prices and upon such terms and conditions as the Church of England Property Trust Diocese of Sydney may deem expedient free from such trusts as aforesaid.

3. The proceeds arising from the said sale or sales shall after payment thereof of all rates taxes and other outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof and after payment of the sum of one hundred pounds to the Treasurer of the Church Buildings Loan Fund for use in aid of the objects of the said Fund shall be held upon Trust to pay and apply the same as the Parish Council of the Church

mortgages AND IT WAS FURTHER AGREED that it should be lawful for the Trustees or Trustee for the time being thereof with the consent of such clergyman or minister as aforesaid at any time thereafter to sell and dispose of the said land and buildings or any part thereof and to stand possessed of the moneys to arise by any of the means aforesaid upon Trust to lay out and expend the same in the purchase of other land and buildings or in the erection of other buildings on or near the said land which said land and buildings should be conveyed and assured upon the same trusts as were contained therein or as near thereo as circumstances would permit AND WHEREAS by instrument in writing dated the sixth day of December One thousand eight hundred and seventy-eight after reciting that the said Thomas Hattam Wilkinson and John Russell Jones had departed this life the said Richard Sadleir in exercise, and execution of the power contained in the Trust Property Act 1862 did thereby appoint Septimus Alfred Stephen Rollo Albert Cape to be Trustees of the said land in the place of the said John Russell Jones and Thomas Hattam Wilkinson deceased AND WHEREAS by Deed of Appointment of New Trustees dated the eighth day of December 1881 Alfred Edmund Jaques was appointed a trustee in the place of the said Richard Sadleir AND WHEREAS by Mortgage dated the tenth day of February One thousand eight hundred and eighty-two Registered Number 333 Book 291 the said Septimus Alfred Stephen Rollo Albert Cape and Alfred Edmund Jaques mortgaged the said land to the Reverend Charles Baber George Mullen and Robert Campbell Close to secure the repayment of the sum of Six hundred and sixty pounds (£660) and interest at six per centum per annum AND WHEREAS by Transfer of Mortgage dated the twenty-third day of May One thousand eight hundred and ninety-five Registered Number 480 Book 564 the said the Reverend Charles Baber George Mullen and Robert Campbell Close thereby assigned the said mortgage and conveyed the said land to the said George Mullen Robert Campbell Close and the Reverend Robert Edward Goddard AND WHEREAS by Deed of Covenant and Declaration of Trust dated the thirty-first day of July One thousand eight hundred and ninety-five made between the said George Mullen Stephen Forster and Henry George Wise the Church Wardens for the time being of All Saints

Church Petersham (thereinafter called the Church Wardens) of the first part the said Robert Campbell Close George Mullen and the Reverend Robert Edward Goddard (thereinafter called the Mortgagees) of the second part the said Septimus Alfred Stephen of the third part and the said Septimus Alfred Stephen Rollo Albert Cape and Alfred Edmund Jaques of the fourth part After reciting that the said sum of six hundred and sixty pounds was in fact advanced by the said Septimus Alfred Stephen for the purpose of erecting part of the buildings required for the said school and that the said Septimus Alfred Stephen subsequently agreed to make a gift of the said sum for the purposes of the said school on condition that the interest payable under the said Mortgage should be paid and borne by the Church Wardens for the time being of the said Church as a provision towards the maintenance and carrying on of the said school And reciting that the interest under the said Mortgage had been from time to time paid by the Church Wardens to the Trustees towards the maintenance of the school And reciting that it was thought desirable that the Declaration of Trust hereinafter contained should be executed for the purpose of placing upon record the circumstances attending the gift of the said sum of six hundred and sixty pounds (£660) and the terms of the said gift And that for the purpose of providing for the payment of interest thereon it had been agreed that the Church Wardens should enter into the covenant hereinafter contained the Church Wardens did thereby for themselves and their successors but not so as to incur any personal liability in respect of this covenant Covenant with the Trustees to pay to the Trustees interest on the said sum of six hundred and sixty pounds (£660) and it was agreed and declared that such interest should only be payable out of the funds of the said Church which had come to the hands of the Church Wardens from time to time and in the event of there being a deficiency for this purpose and for other purposes of the said Church the amount of interest payable under the covenant hereinbefore contained should abate proportionately to the amount of such deficiency AND IT WAS PROVIDED FURTHER that such interest when paid should be applied by the Trustees in or towards the maintenance and carrying on of the said school and the said Septimus Alfred Stephen did thereby con-

4 *All Saints' School, Petersham, Land Sale, 1925.*

confirm the gift of the said sum of six hundred and sixty pounds (£660) and the Mortgagees declared that they held the said mortgage security which represented the said sum of six hundred and sixty pounds (£660) upon Trust for the purposes of the said school AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the twenty-eighth day of January one thousand eight hundred and seventy-four Registered Volume 174 Folio 247 it was certified that Henry Andrew Palmer was registered as the Proprietor of the whole of the land comprised in the said Certificate of Title being the land described in the *Second Schedule hereto* and on the back of such Certificate of Title there was endorsed a Declaration by the said Henry Andrew Palmer that he stood possessed of the said land upon Trust to permit and suffer the same to be occupied used and enjoyed by the Master and Scholars of a certain school established at Petersham in connection with the Church of England Subject however in all respects to such orders and regulations respecting the same as should from time to time be made by the Archbishop of Sydney and his successors AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the nineteenth day of May One thousand eight hundred and seventy-one Registered Volume 120 Folio 103 it was certified that the Right Reverend The Bishop of Sydney was registered as the Proprietor of the whole of the land comprised in such *Certificate of Title being the land described in the Third Schedule hereto* AND WHEREAS the said last mentioned land is in fact held 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 All Saints Petersham in the State of New South Wales though no specific trust document has been executed with regard thereto AND WHEREAS by Deed of Consent dated the twenty-second day of December One thousand nine hundred and twenty-four Registered Number 723 Book 1371 the said Alfred Edmund Jaques as surviving Trustee of the land described in the *First Schedule hereto* consented that such land should vest in the Church of England Property Trust Diocese of Sydney its successors and assigns AND WHEREAS by Deed of Consent dated the twenty-sixth day of November One thousand nine hundred and twenty-

All Saints' School, Petersham, Land Sale, 1925. 5

four the Most Reverend John Charles Wright (as to the land described in the Second Schedule in the place of the said Henry Andrew Palmer who died on or about the fifth day of May One thousand eight hundred and seventy-nine) consented that the lands described in the Second and Third Schedules should vest in the Church of England Property Trust Diocese of Sydney its successors and assigns AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to sell the land so described in the First and Second Schedules hereto Now the Standing Committee 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 Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purpose of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to 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. By reason of circumstances subsequent to the creation of the hereinbefore mentioned trusts it is expedient to sell the said lands described in the First and Second Schedules hereto.

2. The said lands described in the First and Second Schedules hereto may be sold by public auction or private contract either in one lot or in several lots at such time or times at such price or prices and upon such terms and conditions as the Church of England Property Trust Diocese of Sydney may deem expedient free from such trusts as aforesaid.

3. The proceeds arising from the said sale or sales shall after payment thereof of all rates taxes and other outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof and after payment of the sum of one hundred pounds to the Treasurer of the Church Buildings Loan Fund for use in aid of the objects of the said Fund shall be held upon Trust to pay and apply the same as the Parish Council of the Church

6 *All Saints' School, Petersham, Land Sale, 1925.*

of All Saints Petersham shall deem expedient in or towards the construction of a parish hall upon a portion of the land described in the Third Schedule hereto.

4. Any part of the said purchase moneys and the accumulations of income arising therefrom in the possession of the Church of England Property Trust Diocese of Sydney and not immediately required to be applied as aforesaid may until such application be invested by the said Trust in any one or more of the investments following that is to say:—

- (a) The purchase of real estate.
- (b) Any public funds or Government Stock or Government securities bonds debentures inscribed stock or Treasury bills of or guaranteed by the Federal Government or the Government of any State in the Commonwealth of Australia.
- (c) First Mortgage on real property situated within the said Commonwealth.
- (d) Stocks funds or securities in or upon which by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested.
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (f) Municipal Debentures of any State Capital.
- (g) Mortgage bonds under any of the Savings Banks Acts the Federal Government or any State within the Commonwealth.
- (h) Deposits in any Government Savings Bank within the Commonwealth.
- (i) On fixed deposit in any Bank carrying on business in the State of New South Wales.

And the Trust may from time to time vary or release or raise any money on the security of such investments.

5. Any income arising from such investments shall be paid and applied as is hereinbefore directed with regard to the capital of the said purchase money.

All Saints' School, Petersham, Land Sale, 1925. 7

This Ordinance may be cited as "All Saints School Petersham Land Sale Ordinance 1925."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that parcel of land being Lots sixty-one and sixty-two of Section one of Division Number One A of the Petersham Estate situated in the Parish of Petersham in the County of Cumberland in the Colony of New South Wales bounded on the West by the continuation of the Balmain Road commencing at a point on the Eastern side thereof distant one hundred and twenty-three feet Northerly from its intersection with the Northern side of Frederic Street and bearing Northerly forty-one feet on the North by Lots Numbers sixty-five and sixty-four bearing Easterly two hundred feet more or less on the East by Durham Street bearing Southerly forty-one feet and on the South by Lots Numbers fifty-eight and fifty-nine bearing Westerly to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

All that piece of land situated in the Village of Wardellville in the Parish of Petersham and County of Cumberland containing twenty-nine and a quarter perches or thereabouts commencing on the Eastern side of Crystal Street at the South-Western corner of Lot sixty-two and bounded on the North by Lots sixty-two and sixty-one bearing Easterly two hundred feet to Durham Street on the East by that Street bearing Southerly forty feet to Lot fifty-five on the South by Lots fifty-five and fifty-six bearing Westerly two hundred feet to Crystal Street aforesaid and on the West by that Street bearing Northerly forty feet to the point of commencement.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO

All that piece of land situated in the Village of Wardellville in the Parish of Petersham and County of Cumberland containing one acre and thirty-one and a half perches or thereabouts commencing on the North-eastern side of Canterbury Road at its intersection with Durham Street and bounded on the North-

8 *All Saints' School, Petersham, Land Sale, 1925.*

wast by Durham Street bearing North-easterly two hundred feet to Frederick Street on the North-east by that Street bearing South-easterly two hundred and fifty-three feet to Charles Street (East) on the East by that Street bearing Southerly two hundred and one feet to the Canterbury Road aforesaid and on the South-west by that Road bearing South-westerly two hundred and sixty-nine feet to the point of commencement.

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

W. J. G. MANN,
Chairman of Committee.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney, this Sixth day of April, 1925.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd April, 1925.