
The Saint Andrew's Cronulla Sale, 1924.

4

AN ORDINANCE to authorise the sale of land situate at Cronulla more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS one Charles McAlister was the registered proprietor of the whole of the land comprised in Crown Grant bearing date the eighth day of July One thousand nine hundred and one Volume 1369 Folio 16 and more particularly described in the Schedule hereto the said Charles McAlister being the original Grantee AND WHEREAS by Memorandum of Transfer bearing date the twenty-fifth day of March One thousand nine hundred and nine Number 523982 the said land was transferred to William Hind Carrick of Sutherland Storekeeper AND WHEREAS by Memorandum of Mortgage bearing date the twenty-fifth day of March One thousand nine hundred and nine Number 525033 the said William Hind Carrick mortgaged the said land to Elizabeth Mary-Hordern of Sydney widow to secure the advance therein mentioned AND WHEREAS by Memorandum of Transfer bearing date the fourth day of April One thousand nine hundred and eleven Number 622286 the said land was transferred to Nathaniel George Bull Henry Short and Isaac Duncan Armitage as joint tenants subject to the said Mortgage Number 525033 AND WHEREAS the said Nathaniel George Bull died on or about the seventh day of November One thousand nine hundred and eleven AND WHEREAS the said Henry Short died on or about the eleventh day of May One thousand nine hundred and fifteen AND WHEREAS the said Isaac Duncan Armitage is now the sole surviving Registered Proprietor of the said land AND WHEREAS by Memorandum of Transfer of Mortgage bearing date the tenth day of July One thousand nine hundred and twelve Number 669203 the said Mortgage Number 525033 was transferred to James Bromley Banford Bromley William Lindsay Banford and Henry Deane AND WHEREAS by Declaration of Trust bearing date the thirteenth day of August One thousand nine hundred and twenty-three the said Isaac Duncan Armitage declared that he held the said land upon trust for a Church Parsonage or Parish Hall, or partly for one and partly for another or others

The Saint Andrew's Cronulla Sale, 1924.

of such purposes in connection with the Church of England in the Parish of Cronulla AND WHEREAS the Archbishop of Sydney is the Registered Proprietor of the whole of the land comprised in Certificate of Title dated the twenty-ninth day of July One thousand nine hundred and seven Volume 1797 Folio 17 and also of the whole of the land comprised in Certificate of Title dated the twenty-second day of January One thousand nine hundred and eighteen Volume 2818 Folio 63 AND WHEREAS by Declaration of Trust dated the twelfth day of March One thousand nine hundred and twenty-four the Archbishop of Sydney declared that he held the said lands upon Trust for the site of 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 Cronulla AND WHEREAS The Home Mission Society Diocese of Sydney holds a lien or charge on the hereinbefore lastly recited two Certificates of Title AND WHEREAS the Council of the Shire of Sutherland for town planning purposes desired to resume the land described in the Schedule hereto but subsequently in lieu thereof the value of the said land was fixed at One thousand three hundred pounds and ultimately it was agreed that the said Shire should purchase the same for town planning purposes for the sum of One thousand three hundred pounds. AND WHEREAS by a Contract for Sale bearing date the Seventh day of March One thousand nine hundred and twenty-three the said Isaac Duncan Armitage purported to contract to sell the said land described in the Schedule hereto to the said Shire at and for the sum of one thousand three hundred pounds being the amount of the aforesaid valuation AND WHEREAS the Church known as Saint Andrew was originally erected upon the said land described in the Schedule hereto but was subsequently removed and is now erected upon other Church land in the Parish of Cronulla namely the aforesaid lands in respect of which the Archbishop of Sydney is the Registered Proprietor AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trust it is expedient to sell the land so described in the Schedule hereto and which is hereinafter referred to as the said land. 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

The Saint Andrew's Cronulla Sale, 1924.

Act 1917 and Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purposes 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 trust it is expedient to sell the said land for the sum of One thousand three hundred pounds as aforesaid.

2. The said land may be sold to the Council of the Shire of Sutherland for the sum of One thousand three hundred pounds upon such terms and conditions as the said Isaac Duncan Armitage (hereinafter designated "the said trustee") may deem expedient free from such trust as aforesaid.

3. The proceeds arising from the said sale shall be paid to the Reverend William Apedaile Charlton the General Secretary for the time being of the Home Mission Society whose receipt shall be a sufficient discharge therefore and after payment thereof of all rates taxes and other outgoings and all costs charges and expenses of and incidental to this Ordinance and the said sale and the transfer of the said land in pursuance thereof be applied as follows:—

- (a) In payment of the mortgage debt at present owing on the said land.
- (b) In payment of the lien or charge at present held by the Home Mission Society of the Diocese of Sydney.
- (c) In payment to the Rector and Churchwardens for the time being of the Church of St. Andrew Cronulla (whose receipt shall be a sufficient discharge) of the cost incurred in the removal of the Church from the said land and the erection of the same on the said Church lands so vested in the Archbishop of Sydney as aforesaid.

The Saint Andrew's Cronulla Sale, 1924.

- (d) The balance to the Rector and Churchwardens for the time being of the said Church (whose receipt shall be a sufficient discharge) towards the erection of a new Church on the said lands so vested in the Archbishop of Sydney as aforesaid.
4. The said Trustee or other the Trustee for the time being of the said land is hereby authorised to execute the Transfer or other instrument or instruments and do all acts measures and things necessary for the purpose of carrying into effect the said sale.
5. This Ordinance may be styled and cited as "The Saint Andrew's Cronulla Sale Ordinance of 1924."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Cronulla known as Lot eleven Section one Village of Gunnamatta Estate being the whole of the land comprised in Crown Grant dated the eighth day of July One thousand nine hundred and one Volume 1369 Folio 16.

I hereby certify that this Ordinance was passed in Committee.

F. B. BOYCE,

Chairman of Committee.

5th May, 1924.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Fifth day of May, 1924.

C. R. WALSH,

Secretary.

I assent to this Ordinance

GERARD D'ARCY-IRVINE,

V.G., Commissary.

12th May, 1924.