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*The St. Thomas' Church Rozelle Sale and Mortgage  
Ordinance 1931.*

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**No. 7. 1931.**

AN ORDINANCE to authorise the transfer to the Main Roads Board of certain lands situated in Weston Road Balmain held by the Church Property Trust Diocese of Sydney in trust for the Church of St. Thomas Rozelle and to authorise the mortgage of certain lands.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trustee) is the Registered Proprietor of an estate in fee simple of the lands comprised in Certificate of Title Registered Volume 2340 Folio 182 AND WHEREAS the said land is Church Trust Property within the meaning of the Church of England Trust Property Act 1917 AND WHEREAS the said Trustee has by contract dated the Twelfth day of September 1930 a copy of which is set out in the First Schedule hereto contracted to sell to the Main Roads Board at or for the price of One thousand three hundred and seventy-five pounds a certain small strip of such lands facing Weston Road Balmain and having a frontage of about 125 feet 11 $\frac{1}{2}$  inches by a depth of about 38 feet and being part of the land comprised in the said Certificate of Title Registered Volume 2340 Folio 182 AND WHEREAS such sum is to include the total amount recoverable by the said Trustee from the Main Roads Board by way of compensation and damages for re-instatement severance or otherwise AND WHEREAS the said Trustee is desirous of borrowing the sum of One thousand pounds on the security of the residue of the land comprised in the said Certificate of Title and to expend such sum of One thousand pounds in and towards the cost charges and expenses of building a new School Hall AND WHEREAS it is expedient that the said land should be mortgaged for the said purposes and in the manner hereinafter appearing Now therefore 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 place of the said Synod directs declares and rules as follows:—

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1. The Trustee is hereby directed and authorised to sell to the Main Roads Board in conformity with and on the terms of the said recited contract of sale entered into between the said Trustee as vendor and the Main Roads Board as purchaser the strip of land facing Weston Road Balmain hereinbefore described.

2. The costs and expenses incidental to the said sale to the Main Roads Board other than those payable by the Main Roads Board and also incidental to this Ordinance shall be paid out of the proceeds of such sale and the balance of such proceeds shall be paid by the Trustee to the Rector and Churchwardens for the time being of the Church of St. Thomas Rozelle whose receipt will be a sufficient discharge therefor and shall be applied by such Rector and Churchwardens in and towards the costs charges and expenses of building a new School Hall in place of and on the residue of the site thereof the old school building now in part erected on the land contracted to be sold.

3. The said residue of the land comprised in the said Certificate of Title excluding the site on which the Church is built may be mortgaged for a period not exceeding five years and from time to time remortgaged for the purpose of discharging any then existing mortgage to secure a sum not exceeding One thousand pounds (£1000) and interest thereon for such period or periods and upon such terms and conditions as the said Trustee may think fit Provided that after the expiration of five years from the date of the said first mortgage no renewal of the said first mortgage shall be valid for more than a sum of Nine hundred pounds (£900) or such smaller or larger sum as the Standing Committee may from time to time by resolution direct and thereafter the principal sum shall be reduced at the rate of not less than One hundred pounds (£100) per annum or such smaller or larger amount as the Standing Committee may from time to time by resolution direct.

4. The proceeds of such mortgage or mortgages after deducting all costs charges and expenses of and incidental to such mortgage or mortgages and this Ordinance shall be paid by the said Trustee to the Rector and Churchwardens for the time being of the Church of St. Thomas Rozelle whose receipt will be a sufficient discharge therefor and shall be applied by such Rector and Churchwardens in or towards the payment of the costs charges and expenses of building (subject to the approval of the Archbishop) a new School Hall on the site aforesaid.

5. This Ordinance may be cited as "The St. Thomas Church Rozelle Sale and Mortgage Ordinance 1931."

THE FIRST SCHEDULE.  
AGREEMENT FOR SALE.

The Church of England Property Trust, Diocese of Sydney, in the State of New South Wales (hereinafter called the Vendor) hereby agrees to sell, and The Main Roads Board of New South Wales (hereinafter called the Purchaser) hereby agrees to purchase for the sum of One thousand three hundred and seventy-five pounds (£1,375) All that piece or parcel of land described in the Schedule hereto subject to the usual Terms and Conditions of Sale approved and in use by the Real Estate Institute of New South Wales save and except insofar as the same are hereby varied or modified. The time for making requisitions shall be twenty-eight days from the time of the delivery of the Abstract or Particulars of Title by the Vendor to the Crown Solicitor of the said State on behalf of the Purchaser And the time for tendering a Conveyance or Transfer for execution shall be two months from the date of such delivery And it is hereby agreed that the purchase money shall be payable at the Treasury at Sydney aforesaid and that such purchase money shall be payable on completion of the Conveyance or Transfer and upon the same being handed over to the Crown Solicitor aforesaid. And further that the quit rent (if any) reserved by the original Grant from the Crown under which the land is held shall be paid and redeemed by the Vendor. And that the Vendor shall be entitled to the rents and profits, and shall pay or bear all rates, taxes and outgoing's up to completion from which date the Purchaser shall be entitled to and shall pay or bear the same respectively, and any necessary apportionment thereof shall be made and adjusted on completion. And that any entry by the Purchaser into possession of the property sold before completion shall not imply an acceptance by the Purchaser of the Vendor's title nor shall the Purchaser be thereby prejudiced in its right to inquire as to the Vendor's title.

SPECIAL CONDITIONS.

1. The Vendor covenants to give vacant possession of the land described in the Schedule hereto and to remove from such land all fencing or other improvements thereon and to re-erect

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such fencing upon the new road alignment within a reasonable time, after the new road alignment shall have been pegged by Purchaser and the levels supplied by the Purchaser to the Vendor.

2. The Purchaser shall immediately upon the completion of the Transfer complete and register such documents as may be required by the Registrar General for the dedication as a Public Highway of the whole of the land hereby purchased.

3. The Contract is made subject to and conditional upon the Vendor obtaining the approval of the Standing Committee of the Synod of the Diocese of Sydney on behalf of the said Synod to the sale of the said land at the price and upon the terms aforesaid.

SCHEDULE REFERRED TO.

All that piece of land in the Municipality of Balmain being part of the land in Certificate of Title Volume 2340 Folio 182 having a frontage of 126 feet to Weston Road and depth of 38 feet, all dimensions a little more or less and subject to survey as more particularly shown on plan annexed hereto marked "A."

As witness the hands of the parties this twelfth day of September, 1930.

The Common Seal of the Church of England Property Trust Diocese of Sydney was hereto affixed pursuant to a Resolution passed at a duly constituted meeting of the said Trust held on the 12th day of September 1930.

KELSO KING  
C. M. C. SHANNON (Seal)  
A. J. GOULD

In the presence of

H. V. ARCHINAL, Acting Secretary.

Signed by R. S. Johnston as Agent for the Purchaser

R. S. JOHNSTON..

In the presence of

(Witness) J. McCaffrey,

Main Roads Board, Sydney.

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

A. J. GOULD,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-ninth day of June, 1931.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd July, 1931.

WESTON

DARLING

STREET

TRAM RAILS

← 38' →

141' 4 1/4"

11' 668

666

664

83' 10"  
S. 1/4 Sec. 16, T. 12 N., R. 10 W.,  
Municipality of Weston,  
New South Wales

St. Ignace's Church

Showing Progress  
WESTON  
Municipality  
Scale 1:10,000

SK

ETCH

A minority of part of  
ON RD  
y of Balmain  
11 78 one inch

This is the plan marked "A" referred to in the Agreement annexed hereto made between The Church of England Property Trust Diocese of Sydney and The Main Roads Board of New South Wales dated this 12th day of September, 1930.

"A"

The Common Seal of  
the Church of England  
Property Trust Diocese  
of Sydney was hereto  
affixed pursuant to a  
resolution passed at a  
daily convened meeting  
of the Trust held on the  
12th day of September  
1930 in the presence of

Kelso Kise

C. M. C. SHANNON

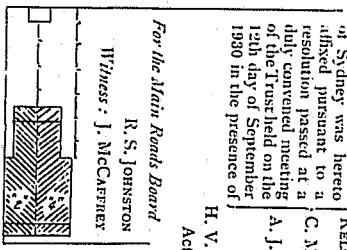
A. J. GOULD

H. V. ARCHIBALL,  
Acting Secretary.

For the Main Roads Board

R. S. JOHNSTON

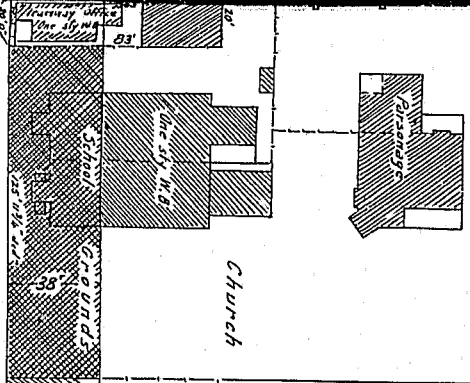
Witness: J. McCaffrey



ST.

PROSPER

38'



ROAD

HANDCOCK ST

WITHECOMBE ST