
Abbotsleigh College Sale and Mortgage, 1928.

No. 20. 1928.

AN ORDINANCE to authorise the sale of certain land at Wahroonga in the State of New South Wales and the mortgage of certain other land situated as aforesaid held in connection with Abbotsleigh College and to provide for the application of the proceeds thereof.

WHEREAS in or about the year One thousand nine hundred and twenty-four the Girls' School known as Abbotsleigh College situated at Wahroonga was purchased by certain members of the Church of England for the purpose of establishing a School governed by a Council under the auspices of the Church of England.

AND WHEREAS by the "Abbotsleigh College Ordinance of 1924" provision was made to regulate the Constitution of the Council of the said College thereafter called the said Council.

AND WHEREAS the property so acquired as aforesaid is the whole of the lands comprised in Certificates of Title registered Volume 1255 Folio 3 Volume 3377 Folio 93 and Volume 1354 Folio 249 being Lot 2 and part of Lot 46 immediately adjoining of Section 2 Brown's Estate Wahroonga and also Lots 1 and 2 of Section 3 of Brown's Estate aforesaid.

AND WHEREAS by Contract for Sale dated the fourth day of June One thousand nine hundred and twenty-four the registered proprietor of the said lands Miss Margaret Egerton Murray entered into an Agreement with His Grace the Archbishop of Sydney The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane to sell the lands hereinbefore particularised for the sum of twelve thousand five hundred pounds (£12500) payable on terms as therein provided with a provision that the legal estate of the lands should be transferred eventually to His Grace the Archbishop upon trust for the purpose of establishing thereon a Ladies' College under the auspices of the Church of England and other purposes as therein mentioned and the Vendor is still registered under the

provisions of the Real Property Act as the proprietor of the said lands in fee simple.

AND WHEREAS by Memorandum of Transfer under the provisions of the Real Property Act dated the twenty-second day of July One thousand nine hundred and twenty-four from Mr. Albert Nettleton in consideration of One thousand two hundred pounds (£1200) the said The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane became registered as proprietors as joint tenants of the whole of the land comprised in Certificate of Title registered Volume 2039 Folio 25 which land is Lot 3 and part of Lot 4 Section 3 adjoining the land comprised in Certificate of Title registered Volume 1354 Folio 249 so acquired from Miss Margaret Egerton Murray aforesaid.

AND WHEREAS shortly after acquiring the said College from Miss Margaret Egerton Murray the whole of the land comprised in Certificate of Title registered Volume 1252 Folio 157 and in Certificate of Title registered Volume 1508 Folio 71 being Lots 3 and 4 Section 2 aforesaid was purchased from Miss Annie Bellamy Jones for Five thousand five hundred pounds (£5500) and transferred to the said The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane as joint tenants and by them mortgaged back to Miss Annie Bellamy Jones to secure Five thousand pounds (£5000) portion of the purchase money thereof repayable as in such mortgage provided.

AND WHEREAS shortly after acquiring the last mentioned land the whole of the land comprised in Certificate of Title registered Volume 3858 Folio 169 being part of Lot 5 Section 2 aforesaid was purchased from Mrs. Curry for Four hundred pounds (£400) and transferred to the said The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane as joint tenants.

AND WHEREAS by Contract for Sale dated the fifteenth day of November One thousand nine hundred and twenty-eight The Honourable Francis Stewart Boyce and Arthur William Crane agreed to purchase from Frank Hambridge for the sum of Eight thousand two hundred and fifty pounds (£8250) the whole of the lands comprised in Certificate of Title registered Volume 3867 Folio 167 Certificate of Title registered Volume 1644 Folio 100 and Certificate of Title registered Volume 1592 Folio 219 being

the residue of Lot 5 aforesaid and Lots 6 and 7 of Section 2 of Brown's Estate aforesaid upon the terms therein mentioned.

AND WHEREAS all moneys paid in connection with the purchase of the said lands hereinbefore particularised were paid out of the funds of the said College and the said The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane purchased the same as aforesaid as trustees only and held the same upon trust for the said College and in pursuance of the Abbotsleigh College Ordinance of 1924 although no document by way of declaration of trust to declare the said trusts has been executed with regard thereto.

AND WHEREAS for the reasons aforesaid the said lands are constituted church trust property within the meaning of the Church of England Trust Property Act 1917.

AND WHEREAS the existing liabilities amounting to approximately twenty-five thousand five hundred pounds (£25,500) which sum includes unpaid balances of purchase money on the lands so purchased as aforesaid were secured by contract for sale or by mortgage back to the vendors.

AND WHEREAS it is proposed to make further additions and improvements to the property of the College during the next six months at an estimated cost of Fourteen thousand pounds (£14,000) and thereafter it is anticipated that further improvements and additions will be required from time to time.

AND WHEREAS the said Lots 1, 2, 3 and 4 of Section 3 aforesaid were acquired for use as playing fields for the said College but in consequence of the acquisition subsequently of Lots 3, 4, 5, 6, and 7 of Section 2 as hereinbefore mentioned which are nearer and more conveniently situated to the main College buildings the said Lots 1, 2, 3 and 4 of Section 3 are no longer required for such purpose as aforesaid.

AND WHEREAS the said Council desires to have authority to mortgage the property of the said College to the extent of a sum not exceeding Forty thousand pounds (£40,000) in order to meet its financial obligations during the next six months and for further additions and improvements should the necessity for the same arise thereafter.

AND WHEREAS by reason of the hereinbefore recited facts which are circumstances subsequent to the creation of the trusts to which the said church trust property is for the time being

subject it has become expedient to sell Lots 1, 2, 3 and 4 Section 3 aforesaid part of the said property and to mortgage and raise money on the remainder of the said property and deal with it in manner hereinafter provided.

AND WHEREAS the said Walter Mullens Vindin died on or about the twenty-fourth day of July One thousand nine hundred and twenty-eight whereby the interest in the said lands under the said Contracts for Sale and Certificates of Title of the said The Honourable Francis Stewart Boyce Walter Mullens Vindin and Arthur William Crane became vested in the said The Honourable Francis Stewart Boyce and Arthur William Crane (hereinafter called the Trustees) as surviving joint tenants.

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 the name and in the place of the said Synod directs declares and rules as follows:--

1. The Trustees are hereby directed and authorised to sell such parts of Lots 1, 2, 3 and 4 Section 3 aforesaid being the lands comprised in Certificate of Title registered Volume 1354 Folio 249 and in Certificate of Title registered Volume 2039 Folio 25 or all their estate and interest therein as such Trustees as aforesaid as they may deem expedient and such sales may be by public auction or private contract together or in lots for cash or on credit for such price and upon such terms and conditions as the Trustees may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

2. The Trustees may at any time and from time to time mortgage the whole or any part or parts of the lands comprised in the schedule hereto to secure an advance or advances of money not exceeding Forty thousand pounds (£40,000) by any form of mortgage security the Trustees may deem expedient.

3. The proceeds arising from the said sale or sales and obtained on the security of any mortgage or mortgages after

payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the lands in pursuance thereof and of the said mortgage or mortgages shall be paid and applied to pay off and discharge the existing liabilities in connection with the said College property whether such liabilities are secured by mortgage or otherwise or may be applied for the benefit of the said College as the Trustees deem fit or as the said Council directs.

4. Any moneys receivable under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the possession of the said Trustees and not immediately required to be applied as aforesaid may until such application be invested by the said Trustees in any one or more of the following investments that is to say:—

- (i.) Investments for the time being allowed by law for the investment of trust funds;
- (ii.) The purchase of real estate situated within the Commonwealth;
- (iii.) Mortgage of land situated within the Commonwealth;
- (iv.) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (v.) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth;
- (vi.) Deposit in any Government Savings Bank within the Commonwealth;
- (vii.) Fixed Deposit in any Bank carrying on business in the State of New South Wales;

and the said Trustees may from time to time vary release or raise money on the security of such investments.

5. This Ordinance may be cited as "Abbotsleigh College Sale and Mortgage Ordinance 1928."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All those pieces or parcels of land situated at Wahroonga in the Parish of Gordon County of Cumberland and State of

New South Wales being the lands comprised in the Certificates of Title hereinafter particularised:—

Certificate of Title	Registered	Volume	1255	Folio	3
"	"	"	"	"	3377 " 93
"	"	"	"	"	1252 " 157
"	"	"	"	"	1508 " 71
"	"	"	"	"	3858 " 169
"	"	"	"	"	3867 " 167
"	"	"	"	"	1644 " 100
"	"	"	"	"	1592 " 219

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese this third day of December, 1928.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th December, 1928.