
*St. Thomas' Enfield (Bainbridge Devise) Land Sale
or Leasing Ordinance 1963*

No. 40, 1963.

AN ORDINANCE to authorise the sale of or leasing of certain land in Elwin Street, Strathfield, and to provide for the application of the proceeds thereof.

WHEREAS Mary Lucy Bainbridge (hereinafter called the Testatrix) late of Strathfield in the State of New South Wales Widow by her last Will and Testament bearing date 18th April 1961 devised to Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) her property described as "Wirribee" 24 Elwin Street, Strathfield more particularly described in the Schedule hereto upon trust for St. Thomas' Church of England Enfield for use as a home for aged people in necessitous circumstances but if the Rector and Churchwardens for the time being of such church should determine not to establish such a home or having established it should at any time determine not to continue the use of the property for that purpose she directed that the property be sold and the net proceeds of sale be used and applied as the said Rector and Churchwardens should determine for or towards the work of the Church of England in caring within the said Parish for aged persons in necessitous circumstances AND WHEREAS by a Codicil made on 24th May 1962 to her said Will the Testatrix expressed the wish that her said property be not sold but should always be used for the purposes hereinbefore set out and she further bequeathed such of her carpets floor coverings furniture and household effects which had not been specifically bequeathed to the Corporate Trustee to be held upon the same trusts and conditions as her said recited property AND WHEREAS the Testatrix died on 10th February 1963 without having altered or revoked her said Will and Codicil and Probate thereof was granted on 29th July 1963 to William Laurence Sherwin one of the Executors therein named AND WHEREAS the Corporate Trustee is beneficially entitled to the property described in the Schedule hereto which is Church Trust Property held for the sole benefit of the Parish of St. Thomas' Enfield aforesaid AND WHEREAS by reason of the refusal of the Council of the Municipality of Strathfield in which the said land and premises are situate to permit the user of the same as a Home for aged persons and for other good and sufficient reasons it is impossible and inexpedient to carry out and observe the trusts upon which the said land and premises were devised to the extent to which the testatrix expressed the wish that it should not be sold but used for the purposes hereinbefore recited and it is expedient

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that the same be now leased or sold and the net proceeds therefrom applied as in her said will set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the trusts to which the land and premises described in the Schedule hereto is subject and to which floor coverings, furniture and household effects in the said premises bequeathed to the Corporate Trustee as aforesaid are also subject it is impossible and inexpedient to carry out and observe the same in their entirety and it is expedient that the said land and premises be leased or sold and the said floor coverings, furniture and household effects be sold.

2. The Corporate Trustee is hereby empowered at such time that the said land be vested in it and the said chattels be delivered to it to sell or lease the said land by public auction or private contract at such time at such price or prices and upon such terms and conditions as it shall think fit freed from the said trusts and to sell the said chattels.

3. The proceeds arising from the said sales shall after paying thereout all outgoings to which the said land is subject and the costs of and incidental to this Ordinance and the sale and transfer in pursuance thereof be paid to the Churchwardens for the time being of St. Thomas' Church Enfield and invested by them in accordance with the provisions of the Investment of Church Trust Property Ordinance 1944 as amended from time to time or any Ordinance taking the place of the same and the net income arising therefrom or otherwise together with the whole or any part of the capital thereof shall be used and applied as the Rector and Churchwardens of such Church shall determine for or towards the work of the Church of England in caring by the Parish of St. Thomas' Enfield for aged persons in necessitous circumstances.

4. This Ordinance may be cited as "St. Thomas' Enfield (Bainbridge Devise) Land Sale or Leasing Ordinance 1963."

SCHEDULE

All that piece or parcel of land situated at Strathfield in the Municipality of Strathfield Parish of Concord County of Cumberland

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having a frontage of 70' to Elwin Street by depth of 180' 10 1/4" on the east and 180' 7 1/2" on the west being part of Lots 25 and 26 Section 2 D.P. 581 and the whole of the land in Certificate of Title Volume 3325 Folio 177 upon which is erected the residence known as No. 24 Elwin Street, Strathfield.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of November, 1963.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

25/11/1963.

HUGH SYDNEY,
Archbishop of Sydney.