
Christ Church Blacktown Vesting and Mortgage Ordinance 1956

No. 21, 1956

AN ORDINANCE to authorise and provide for the vesting of certain land at Blacktown in Church of England Property Trust Diocese of Sydney to authorise the mortgaging of portion thereof and other land situated thereat and to provide for the application of the proceeds thereof.

WHEREAS by Conveyance dated 23rd September 1911 made between The Sydney and Suburban Mutual Permanent Building and Land Investment Association Limited of the first part Thomas Davis of the second part and the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the third part Registered No. 319 Book 946 the land described in the first part of the schedule hereto was conveyed unto the Corporate Trustees AND WHEREAS by Conveyance dated 24th March 1875 made between Honorah McDermott of the one part and Walter Lamb, Robert Crawford and Alfred Branch Campbell (Trustees for the purposes thereafter mentioned and thereafter designated Trustees) of the other part Registered No. 933 Book 157 the land described in the second part of the schedule hereto was conveyed unto the said Trustees their heirs and assigns upon trust as a site for the erection and maintenance of a Church of England School and Church and Minister's residence and all or any of those purpose AND WHEREAS the land comprised in Certificate of Title Registered Volume 2692 Folio 151 more particularly described in the third part of the said schedule stands registered in the names of Frederick William Pfoeffler, Walter James Filmer and Frederick William Routley as joint tenants AND WHEREAS all the said land is church trust property held for the sole benefit of the Parish of Blacktown with Prospect Bungarribee and Doonside but no trusts in writing have been declared concerning the land described in the first and third parts of the said schedule AND WHEREAS it is expedient that the land described in the second and third parts of the said schedule be vested in the Corporate Trustee and that the trusts thereof together with the land described in the first part of such schedule be declared AND WHEREAS it is also expedient to mortgage the

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whole of the land described in the first and third parts of the said schedule for the purpose of borrowing the sum of Seven thousand pounds (£7,000) for the erection of a new church on the land described in the first part of the said schedule.

Now the Standing Committee of the Synod of the Diocese of Sydney Ordains and Directs as follows:—

1. That the land described in the second and third parts of the schedule hereto be and the same are hereby vested in Church of England Property Trust Diocese of Sydney and shall be held together with the land described in the first part of such schedule upon trust to permit the same to be used as 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 Blacktown with Prospect Bungarribee and Doonside.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the first and third parts of the schedule hereto are held it is expedient to mortgage the said lands:—

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Seven thousand pounds (£7,000).

(b) When the power is subsequently exercised such sum not exceeding Seven thousand pounds (£7,000) as the Standing Committee shall by resolution determine. Provided that such debts shall be reduced at the rate of not less than One hundred and thirty pounds (£130) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine. Provided further that no person or corporation advancing moneys under this Ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be signed by the Archbishop or Secretary of Standing Committee of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

3. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (i) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or mortgages executed in pursuance thereof and subject thereto the balance shall be paid to the Churchwardens of Christ Church Blacktown who shall apply the same in or towards the costs of and incidental to the erection of a new church on the land described in the first part of the said schedule.
- (ii) When the power is subsequently exercised in payment of the principal, interest and costs of and incidental to the discharge of any then existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

4. The Churchwardens for the time being of the Church of Christ Church Blacktown shall within seven (7) days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance, cause an account to be forwarded to the Secretary of Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

5. This Ordinance shall be cited as "Christ Church Blacktown Vesting and Mortgage Ordinance 1956."

SCHEDULE.

FIRST PART.

All that piece or parcel of land containing two roods one and one half perches being Lots 26, 27, 30 and 31 of the Blacktown Township Estate being part of 2,000 acres granted to

Captain Robert Lethbridge at Blacktown situated in the parish of Prospect County of Cumberland State of New South Wales commencing at the south westerly corner of Lot 32 being a point on the Easterly boundary of Flushcombe Road bearing southerly and distant one thousand and twenty eight feet from the intersection of that boundary with a south-westerly boundary of Richmond (late Great Western) Road and bounded thence by part of easterly boundary of Flushcombe Road southerly for eighty feet to a lane twenty feet wide thence by the Northern boundary of that lane easterly for two hundred and seventy-seven feet three inches to Campbell Street thence by part of the westerly boundary of that street northerly for eighty feet to Lot 25 and thence by the southerly boundaries of that lot and Lot 32 being a line westerly for two hundred and seventy-eight feet one inch to the point of commencement be the said several dimensions a little more or less.

SECOND PART.

All that piece or parcel of land situate in the Parish of Prospect County of Cumberland and Colony of New South Wales containing by admeasurement two roods and being part of portion of lot five of the sub-division of the Flushcombe Estate purchased by the said vendor of Thomas Patrick Fitzsimmons bounded on the east by the road leading from Blacktown Station to the Western Road one chain on the north by a line westerly five chains dividing it from Fitzsimmons land on the West by a line southerly one chain dividing it from Mrs. McDermott's land and on the south by a line easterly 5 chains dividing it from Mrs. McDermott's land to the road before mentoned be the said several bearings and dimensions respectively a little more or less.

THIRD PART.

All that piece or parcel of land situated in the Shire of Blacktown Parish of Prospect County of Cumberland containing 27½ perches being Lot 19 Deposited Plan No. 7724 and the whole of the land comprised in Certificate of Title Registered Volume 2692 Folio 151.

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

W. G. HILLIARD, Bishop.
Chairman of Committee.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of July, 1956.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

13/8/1956