

Christ Church, Enmore, Rectory Sale and Mortgage.

5

AN ORDINANCE to authorise the sale of land situated at Newtown near Sydney and more particularly described in the First Schedule hereto and to provide for the application of the proceeds thereof and to authorise the mortgage of certain other land situate at South Kingston near Sydney aforesaid and more particularly described in the Second Schedule hereto in one lot or in separate lots and to provide for the application of the moneys raised by such mortgage or mortgages and for other purposes incidental to the objects hereof.

WHEREAS by Indenture of Conveyance dated the Third day of May One thousand nine hundred and eleven made between Cecilia Agnes Rea of the one part and William Frank Dobbin, Ashley John Deverish Meares and Thomas Henry Dent hereinafter called the Trustees of the other part, Registered Number 164 Book 934 certain lands situated at Newtown with a building erected thereon being the land described in the first Schedule hereto are held upon trust for a rectory for the Parish of Christ Church Enmore AND WHEREAS by Indenture of Mortgage dated the ninth day of August One thousand nine hundred and eighteen registered Number 27 Book 1189 made between the said Trustees of the one part and the English Scottish and Australian Bank Limited hereinafter called the said bank of the other part the said land purports to have been mortgaged to the said bank to secure the repayment of advances made by the said bank to the said Trustees and interest thereon which said advances represent portion of the purchase money of the said lands AND WHEREAS the amount due to the said bank by the said Trustees in respect of the said advances at the sixth day of May One thousand nine hundred and twenty-four is Five hundred and seventy-eight pounds two shillings and tenpence (£578 2s. 10d.) together with interest thereon at the rate of Seven Pounds per centum per annum until date of repayment AND WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the First day of March One thousand eight hundred and eighty two Registered Volume 570 Folio 5 the Church of England Property Trust Diocese of Sydney is the Registered Proprietor of the land described in the said Certificate

Christ Church, Enmore, Rectory Sale and Mortgage.

of Title and in the second schedule hereto and whereas the said land is held upon trust for the maintenance upon the said piece of land of a Church of the United Church of England and Ireland and of a school house in connection therewith and for the erection of and maintenance of a parsonage subject to the provisions of the Act 8 William the Fourth No. 5 and for such other purposes in connection with the said Church as the Bishop of the said Diocese shall from time to time direct AND WHEREAS by reason of circumstances subsequent to the creation of the trusts firstly hereinbefore recited it is expedient to sell the said land described in the First Schedule hereto and out of the proceeds of sale to discharge the said amount due to the said bank AND WHEREAS by reason of circumstances subsequent to the creation of the Trust secondly hereinbefore recited it is expedient to mortgage the said land described in the Second Schedule hereto either in one lot or in separate lots AND WHEREAS by an Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth entitled the "Church of England Trust Property Act 1917" (No. 21) it was enacted that during the recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance of Synod might in place of such Synod exercise "such of the powers and functions referred to in the said Act as should be determined by Ordinance of the Synod" AND WHEREAS by an Ordinance of the Synod passed in the year One thousand nine hundred and eighteen the Standing Committee was appointed for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions, and do and make all or any of the things referred to in sections 26 to 31 (inclusive) constituting Part VI, and Section 32 constituting Part VII. of the said Act. 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 said Act and Ordinance 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 and by the "Church of England Trust Property Act 1917" or otherwise in the name and in place of such Synod ordains directs and rules as follows:—

Christ Church, Enmore, Rectory Sale and Mortgage

PART I.

1. By reason of circumstances subsequent to the creation of the said firstly hereinbefore recited trusts it is expedient to sell the land described in the First Schedule hereto.

2. The land described in the First Schedule hereto may be sold under and in pursuance of the Conditional Contract set out in the Third Schedule hereto or failing the said Contract then the said land may be sold by public auction or private contract either in one lot or in several lots at such time or times and at such price or prices and upon such terms and conditions as the Minister and a majority of the other members of the Parish Council of Christ Church Enmore may by Resolution approve freed from such trusts as aforesaid.

3. The Trustees for the time being of the said land shall execute the deed or deeds necessary for the purpose of carrying any such sale as aforesaid into effect.

4. The purchase money arising from the said sale or sales shall be paid to the said Trustees for the time being or to their account with the said bank intituled "Trustees Christ Church Rectory Enmore" and the payment thereof of the said amount of Five hundred and seventy eight pounds two shillings and tenpence (£578 2s. 10d.) together with interest thereon as hereinbefore set out due to the said bank and of the costs charges and expenses incidental to the discharge of the said mortgage hereinbefore mentioned shall be a first charge on the said purchase money.

5. The balance of the said purchase money remaining in the hands of the Trustees after the satisfaction of the claims costs charges and expenses provided for in clause four hereof and after payment thereof of the costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof shall be invested with the approval by resolution of the Minister and a majority of the other members of the Parish Council of the said Church in the purchase of a new rectory or parsonage for the said Parish either by the erection of buildings and appurtenances on a duly approved portion of the said lands held upon the said trusts hereinbefore secondly recited and by the proper laying out of the said lands and completely adapting the said land

Christ Church, Enmore, Rectory Sale and Mortgage.

buildings and appurtenances to the said purpose or by otherwise purchasing another such residence.

6. The proceeds of sale of any part or parts thereof may from time to time until required for the purpose aforesaid be invested in any stocks funds and securities of or guaranteed by the Commonwealth of Australia or of or guaranteed by any of the States of the said Commonwealth or of the Dominion of New Zealand or on first mortgage of real estate in New South Wales with power from time to time to vary such investments for any other or others of them and to apply the income in providing another residence for the Minister for the time being of the said Church or to pay the same to such Minister in lieu thereof.

PART II.

7. By reason of circumstances subsequent to the creation of the said secondly hereinbefore recited trust it is expedient to mortgage the land described in the Second Schedule hereto either in one lot or in separate lots provided that no parts of Lots 2, 3 and 4 shall be included in any such mortgage.

8. The Church of England Property Trust Diocese of Sydney be empowered to mortgage the said land in one lot or separate lots subject to the proviso mentioned in clause seven hereof to raise a loan not exceeding the sum of Seven hundred Pounds repayable within a period not exceeding three years from the date of such mortgage and upon such terms and conditions as the Minister and a majority of the other members of the Parish Council of Christ Church Enmore may by resolution approve.

9. The Church of England Property Trust Diocese of Sydney may execute the Memoranda of mortgage or other necessary documents for the purpose of effecting any such mortgage or mortgages.

10. The mortgage money arising from the said mortgage or mortgages shall be paid to the "Church of England Property Trust Diocese of Sydney" and after payment thereof of the costs charges and expenses of and incidental to this Ordinance and the said mortgage or mortgages and the execution of the Memoranda of mortgage of the said land in pursuance thereof

Christ Church, Enmore, Rectory Sale and Mortgage.

shall be invested with the approval by resolution of the Minister and a majority of the other members of the Parish Council of the said Church in the purchase of a new parsonage for the said Parish either by the erection of buildings and appurtenances on a duly approved portion of the said land held upon the said trusts hereinbefore secondly recited and by the proper laying out of the said lands and completely adapting the said land buildings and appurtenances to the said purpose or by otherwise purchasing another such residence.

11. The proceeds of the mortgage or mortgages of any part or parts of the said land may from time to time until required for the purpose aforesaid be invested in any stocks funds and securities of or guaranteed by the Commonwealth of Australia or of or guaranteed by any of the States of the said Commonwealth or of the Dominion of New Zealand or on first mortgage of real estate in New South Wales with power from time to time to vary such investments for any other or others of them and to apply the income in providing another residence for the Minister for the time being of the said Church or to pay the same to such Minister in lieu thereof.

12. This Ordinance shall be styled and cited as "Christ Church Enmore Rectory Sale and Mortgage Ordinance 1924"

THE FIRST SCHEDULE REFERRED TO.

All that parcel of land situated at Newtown containing an area of 35½ perches being parts of Lots 7 and 8 of the subdivision of the Reiby Estate in the Parish of Petersnam County of Cumberland State of New South Wales. Commencing at the intersection of the North-eastern building line of Simmons Street with the Southern building line of a lane 20ft. wide being a point distant 141ft. 10in. Southerly from the intersection of the North-eastern building line of Simmons Street with the Southern building line of Enmore Road and bounded thus on the South-west by Simmons Street bearing Southerly for 81ft. 2½in. on the South-west by a line bearing Easterly for 120ft. 10½in. on the North-east by a line bearing Northerly for

Christ Church, Enmore, Rectory Sale and Mortgage.

78ft. 8in. to the lane abovementioned and on the North-west by that lane bearing Westerly for 121ft. 3½in. to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land containing one rood thirty-eight perches situate at South Kingston Parish of Petersham and County of Cumberland being the South-eastern Moiety of Lot two and Lots three to eight Section four Deposited Plan 1 and being the whole of the land comprised in Certificate of Title Registered Volume 570 Folio 5.

THE THIRD SCHEDULE REFERRED TO.

Agreement dated the Fifteenth day of March One thousand nine hundred and twenty four between Thomas Henry Dent, Ashley John Devenish Meares, William Frank Dobbin The Trustees for the time being of Christ Church Rectory Enmore (hereinafter called the Vendors) of the one part and William D. Morrell of 86 Enmore Road, Petersham, Gentleman, Eleanor Morrell his wife (hereinafter called the Purchaser) of the other part Whereby the Vendors agree to sell and the Purchaser to purchase All that property known as "The Rectory" Simmons Street, Enmore Being all that parcel of land situated at Newtown containing an area of about Thirty-five and one half perches being parts of Lots seven and eight of the subdivision of the Reiby Estate in the Parish of Petersham County of Cumberland State of New South Wales Commencing at the intersection of the North-eastern building line of Simmons Street with the Southern building line of a lane Twenty feet wide being a point distant One hundred and forty-one feet ten inches Southerly from the intersection of the North-eastern building line of Simmons Street with the Southern building line of Enmore Road and bounded thus on the South-west by Simmons Street bearing Southerly for Eighty-one feet three and one quarter inches on the South-west by a line bearing Easterly for One hundred and twenty feet ten and one half inches on the North-east by a line bearing Northerly for Seventy-eight feet eight inches to the lane abovementioned and on the North-west by that lane bearing

Christ Church, Enmore, Rectory Sale and Mortgage.

Westerly for one hundred and twenty-one feet three and one half inches to the point of commencement for the sum of One thousand nine hundred pounds upon the following terms:—

1. One hundred pounds as deposit and the balance on completion of Conveyance.

2. This sale is made subject to the approval of Synod or other Church authorities to be obtained by the Vendors.

3. When the approval referred to in paragraph 2 hereof is obtained the Vendors shall notify the Purchaser and the matter shall then proceed.

4. The title to the land is a Common Law Freehold one.

5. This Contract shall be subject to the usual conditions of sale in use by the Real Estate Institute of New South Wales on sale of land under a Common Law Freehold Title so far as the same are not varied hereby or inconsistent herewith.

6. On completion of sale and payment of all monies as provided herein the Vendors or the Wardens for the time being of the Parish of Christ Church Enmore shall attorn and become the weekly tenants of the Purchasers at the rental of computed 7% of purchase money per annum per week such tenancy shall last until a new rectory is erected or the Vendors shall determine same.

As Witness the hands of the parties hereto on the day and year first hereinbefore written.

WILLIAM DANIEL MORRELL,
For Self and Wife,
Purchasers.

Witness:

R. M. DUNCAN,
Solicitor,
Sydney.

Christ Church, Enmore, Rectory Sale and Mortgage.

I hereby certify that this Ordinance was passed in Committee.

A. J. GOULD,
Chairman of Committee.

30th June, 1924.

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

C. R. WALSH,
Secretary.

I assent to this Ordinance.

GERARD D'ARCY IRVINE.
V.G., Commissary.

16th July, 1924.