
St. Alban's Epping Mortgaging, 1923.

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AN ORDINANCE to authorise the mortgaging of certain land situate in Pembroke Street Epping such land being more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the 26th day of March 1923 Volume 3433 Folio 219 The Church of England Property Trust Diocese of Sydney (hereinafter designated "the said trust") are the Registered Proprietors of the land described in the Schedule hereto subject to the Declaration of Trust hereinafter recited AND WHEREAS by Declaration of Trust bearing date the 13th day of October 1900 the then Trustees declared that they held the said land and the school church so erected thereon for church purposes in connection with the St. Alban's Church Epping AND UPON FURTHER TRUST to permit a Church to be erected on the said land to be called St. Alban's Church and which land and buildings should be subject to the Regulations so far as they might be applicable contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first mentioned Ordinance Subject also to be indemnified in respect of a Mortgage therein recited which mortgage has now long since been discharged AND WHEREAS it has been considered desirable to erect a Church on the land described in Certificate of Title dated the 30th day of June 1896 Volume 1194 Folio 189 the said Trust being the registered proprietor thereof and the said lands being subject to the Declaration of Trust hereinbefore recited. AND WHEREAS for the purposes aforesaid it is necessary that moneys should be raised upon the security of the land in the Schedule hereto and the buildings erected and to be erected thereon to secure the repayment of any moneys so borrowed as aforesaid with interest thereon AND WHEREAS it is expedient that any advance or advances of money not exceeding in the aggregate the sum of One thousand five hundred pounds should be obtained upon the security of the said land and buildings comprised in the Schedule hereto for the purposes aforesaid AND WHEREAS by reason of circumstances which have occurred since the creation

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of the aforesaid trust it has become inexpedient to carry out or observe the particular purposes to which the said land described in the Schedule hereto are by the said trusts devoted AND WHEREAS it is expedient to mortgage the land described in the Schedule hereto 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 Ordinances of the Synod passed in the years 1918 and 1921 respectively 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 Ordinances 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:—

1. By reason of circumstances subsequent to the creation of the said recited trust it is expedient to obtain from time to time an advance or advances of money not exceeding in the aggregate One thousand five hundred pounds on the security of the land comprised in the Schedule hereto and the buildings erected and to be erected thereon.

2. That the said piece of land described in the Schedule hereto and the buildings erected and to be erected as aforesaid and the appurtenances may be from time to time mortgaged to secure the repayment of the moneys so authorised to be borrowed as aforesaid respectively.

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3. That the amount or amounts so to be from time to time raised (after deducting thereout all expenses) shall be paid by the said Trust to the Rector and the Churchwardens for the time being of St. Alban's Church Epping (whose receipt shall be a sufficient discharge) and shall be by them applied in or towards the cost of erecting a church upon the land described in Certificate of Title Volume 1194 Folio 189.

4. That the said piece of land and all buildings thereon may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding in the aggregate One thousand five hundred pounds with which to discharge or renew the mortgage or mortgages now authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof. Provided that after the expiration of Ten years from the passing of this Ordinance no mortgage given under the authority of this section shall be valid for a larger sum than One thousand pounds (£ 00) and thereafter the principal sum shall be reduced at the rate of not less than One hundred pounds (£100) per year.

5. This Ordinance shall be styled and cited as "The St. Alban's Church Epping Mortgaging Ordinance of 1923."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Epping in the Parish of Field of Mars County of Cumberland State of New South Wales containing by admeasurement 1 rood 4½ perches being part of allotments 10 and 11 of Section 4 of the Field of Mars Subdivision and part of the land comprised in Certificate of Title Registered Volume 3433 Folio 219. Commencing at a point on the North-western side of Pembroke Street being the South-western corner of allotment 12 of Section 4 and bounded thence towards the South-east by the North-western side of Pembroke Street bearing 248 degrees 30 minutes for 90 feet 6½ inches thence towards the North-west by a line bearing 10 degrees 15 minutes for 180 feet 4½ inches thence towards the North-east by part of the South-western boundary of allotment

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No. 9 of said Section 4 bearing 100 degrees 15 minutes for 77 feet thence again towards the South-east by part of the North-western boundary of said allotment No. 12 bearing 190 degrees 15 minutes 132 feet 9 inches to the point of commencement.

Ordinance considered in Committee and passed without amendment.

GERARD D'ARCY IRVINE.

Chairman of Committee.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-seventh day of August, 1923.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

3rd September, 1923.