
"The St. Andrew's Roseville Mortgaging Ordinance of 1933."

No. 6, 1933.

AN ORDINANCE to authorise the mortgaging of certain lands situate at Roseville in the Municipality of Kuringai, Parish of Gordon, County of Cumberland and State of New South Wales and to provide for the application of the moneys arising therefrom.

WHEREAS by virtue of Certificate of Title dated the 21st day of October 1931 Registered Volume 4505 Folio 175 Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Property Trust") is registered as the proprietor of an estate in fee simple in ALL THAT piece of land described in the first Schedule hereto which said land is held by the Property Trust upon trust to permit the same to be used for 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 Roseville as appears by Deed Poll or Declaration of Trust under the Common Seal of the Property Trust bearing date the 21st day of July 1924 AND WHEREAS by virtue of Certificate of Title dated the 28th day of January 1908 Registered Volume 1845 Folio 243 Maurice Bridgman Hordern William Mahood and Alfred Ernest Finch are registered as the proprietors of an estate in fee simple in ALL THAT piece of land described in the Second Schedule hereto which said land is held by them the said Maurice Bridgman Hordern William Mahood and Alfred Ernest Finch upon trust to permit the same to be used for 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 St. Andrew Roseville as appears by Deed Poll or Declaration of Trust under the hands and seals of the said Maurice Bridgman Hordern William Mahood and Alfred Ernest Finch bearing date the Tenth day of June 1933 AND WHEREAS there is erected on the land described in the First Schedule hereto a building used as a Church building and also as a Sunday School for the Parish of St. Andrew Roseville AND WHEREAS there is erected on the land described in the Second Schedule hereto a residence used as a Rectory for the said Parish of St. Andrew AND WHEREAS the present Church building of the said Parish is not large enough or otherwise suitable for the purposes of the said Parish and it is desirable to erect on the land described in the Schedules hereto or some part thereof a new Church Build-

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ing for the purposes of the said Parish AND WHEREAS for the purpose of providing money to pay for the cost of the erection of a new Church building for the said Parish it is necessary and expedient to borrow money upon the security of a Mortgage or Mortgages of the whole or any part or parts of the land described in the Schedules hereto AND WHEREAS the said Trustees Maurice Bridgman Hordern, William Mahood and Alfred Ernest Finch have consented and it is expedient that the land described in the Second Schedule hereto should be vested in the Church of England Property Trust Diocese of Sydney as Trustee thereof 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 in that behalf conferred on the said Synod for the management and good government of the Church of England within the State of New South Wales and all other powers thereunto enabling it ordains declares directs and rules as follows:—

1. That it is expedient that the land described in the Second Schedule hereto shall be and it is hereby vested in the Church of England Property Trust Diocese of Sydney and its successors subject to the trusts in the said recited Deed Poll or Declaration of Trust dated the Tenth day of June One thousand nine hundred and thirty-three expressed and contained or to so much of the same as are still subsisting undetermined and capable of taking effect.

2. THAT by reason of circumstances subsequent to the creation of the said recited trusts it is expedient to borrow a sum or sums of money not exceeding in the whole Four thousand pounds (£4000/0/0) which said sum or sums of money the Property Trust is hereby authorised to borrow upon the security of the lands described in the First and Second Schedules hereto or any part or parts thereof and the buildings erected and/or to be erected thereon.

3. THAT the lands described in the First and Second Schedules hereto or any part or parts thereof and the buildings erected and/or to be erected thereon as aforesaid and the appurtenances thereof may be from time to time mortgaged by the Property Trust or other the Trustee thereof for the time being to secure repayment of the moneys so authorised to be borrowed as aforesaid and interest thereon.

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4. THAT the moneys so to be borrowed as aforesaid shall be received by the Property Trust and so much thereof as shall be required for such purposes shall be applied in or towards payment of the costs and fees of and incidental to this Ordinance and of any Mortgage or Mortgages to be executed in pursuance of the powers hereby conferred and the balance of the said moneys shall be paid to the Church Wardens for the time being of the Church of St. Andrew Roseville and shall be applied by them in or towards payment of Architect's and/or Surveyor's fees incurred or to be incurred in connection with the erection of the proposed new Church building to be erected on the said lands or some part thereof and in or towards the payment of the cost of the erection or partial erection of the proposed new Church building to be erected upon the lands described in the First and Second Schedules hereto or some part thereof to be used as a Church building for the purposes of the said Parish.

5. THAT the term or terms of any Mortgage or Mortgages to be executed in pursuance of the powers hereby conferred may be extended from time to time and upon such terms and conditions as the Standing Committee by resolution may think fit and the said lands or any part or parts thereof may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding at any one time the sum of Four thousand pounds (£4000/0/0) with which to discharge any Mortgage or Mortgages to be executed in pursuance of the powers aforesaid or any mortgage or mortgages to be executed in pursuance of the power conferred by this paragraph or otherwise authorised by this Ordinance provided that after the expiration of three years from the date of the first Mortgage to be executed in pursuance of the powers conferred by this Ordinance the principal sum secured by any Mortgage or Mortgages executed in pursuance of the powers hereby conferred shall be reduced at the rate of not less than one hundred pounds per annum.

6. THIS Ordinance shall be styled and cited as "The St. Andrew's Roseville Mortgaging Ordinance of 1933."

FIRST SCHEDULE.

ALL THAT piece or parcel of land situate in the County of Cumberland Parish of Gordon Municipality of Kuringai at Roseville having frontages to Hill Street and Bancroft Avenue of

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about One hundred and forty-four feet two and one-eighth inches (144' 2 $\frac{1}{8}$ ") and One hundred and sixteen feet (116') respectively with splayed corner being Lot 2 and part of Lot 1 Section "C" Deposited Plan 5035 and part of a one foot reserve in Deposited Plan 2966 and being the land comprised in Certificate of Title dated the 21st day of October 1931 Registered Volume 4505 Folio 175.

SECOND SCHEDULE.

ALL THAT piece or parcel of land situate in the County Parish and Municipality aforesaid having a frontage to Bancroft Avenue Roseville of about seventy-five feet (75') by a depth of about One hundred and seventy-three feet (173') on one side and about One hundred and seventy-five feet nine and one half inches (175' 9 $\frac{1}{2}$ ") on the other side being Lot 3 Section "C" on Deposited Plan 5035 and part of the aforesaid one foot reserve and being the whole of the land comprised in Certificate of Title dated the 28th day of January 1908 Registered Volume 1845 Folio 243.

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 of Sydney this 30th day of October, 1933.

C. R. WALSH

Secretary.

I assent to this Ordinance.

S. J. KIRKBY

Bishop, Administrator of the Diocese of Sydney.

2nd November, 1933.