

*"St. John's Rockdale Mortgaging Ordinance 1938."*

No. 10, 1938.

AN ORDINANCE to authorise the mortgaging of certain land situate at Rockdale in the County of Cumberland Parish of St. George and Municipality of Rockdale and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title dated the Seventh day of January One thousand eight hundred and ninety-seven Registered Volume 1211 Folio 57 Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) is registered as the Proprietor of an estate in fee simple in the land described in the First Part of the Schedule hereto AND WHEREAS the land described in the First Part of the Schedule hereto 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 of such purposes in connection with the Church of England at Rockdale as appears by a certain Instrument or Declaration of Trust bearing date the Twenty-third day of July One thousand nine hundred and eighteen Registered Number 15329 under the hands of Arthur Killworth John Thomas Walker and Richard Atkinson Price AND WHEREAS by Certificate of Title dated the Ninth day of July One thousand nine hundred Registered Volume 1321 Folio 54 the Property Trust is registered as the proprietor of an estate in fee simple in the land described in the Second Part of the Schedule hereto AND WHEREAS the land described in the Second Part of the Schedule hereto is held by the Property Trust Upon Trust to permit the same to be used for the erection thereon of a Parish Hall in connection with the Church of England in the Mission District of St. John Rockdale as appears by a certain Instrument or Declaration of Trust bearing date the Twenty-third day of July One thousand nine hundred and eighteen Registered Number 15330 under the hands of John Thomas Walker and Richard Atkinson Price AND WHEREAS there is erected on the land described in the First Part of the Schedule hereto the Church building of St. John's Church Rockdale and there is erected on the land described in the Second Part of the Schedule hereto the Parish Hall for the said Parish AND WHEREAS by "The Rockdale Mission Church and Parish Hall Land Sale Ordinance of 1918" the Minister and Churchwardens for the time being of the Mission District of St. John Rockdale were authorised and empowered to demolish take down and remove from the lands described in the First

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and Second Parts of the Schedule hereto the Church building and Parish Hall erected thereon or either of them and to re-erect the said Church building and the said Parish Hall elsewhere within the boundaries of the said Mission District And by the said Ordinance authority was also given to sell the lands described in the First and Second Parts of the Schedule hereto and for the proceeds arising from such sale or sales after the payment thereof of the costs and expenses of and incidental to the said Ordinance and the taking down and removal of the said buildings and the sale and transfer of the said lands and the payment to the Trustees of the Sydney Church Endowment Fund of all moneys due to the said Trustees in respect of the said lands in or towards payment of the purchase money for the purchase of certain land fronting Bay Street Rockdale or of any other lands within the boundaries of the said Mission District (with the approval of the Archbishop of Sydney) and the cost of the erection thereon of a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in the said Mission District AND WHEREAS it is inexpedient to demolish and remove from the lands described in the First and Second Parts of the Schedule hereto the said Church Building and Parish Hall and sell the said lands and it is considered to be in the best interests of the said Parish that the Church and Parish Hall of the said Parish be allowed to remain in its present position AND WHEREAS the present Church Building is inadequate for the needs of the said Parish and is in need of repair and requires alterations and extensions to be made thereto in order to serve the needs of the said Parish AND WHEREAS it is desirable to repair alter and extend the said Church Building and it is estimated that the cost of the necessary repairs alterations and extensions will be approximately Two thousand five hundred pounds (£2,500) AND WHEREAS for the purpose of providing the money to pay for the cost of repairs alterations and extensions to the said Church Building it is expedient to borrow or raise money upon the security of a mortgage or mortgages of the lands described in the First and Second Parts of the Schedule hereto or some part or parts thereof Now Therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers 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 upon 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 of all other powers thereunto

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enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances subsequent to the said recited "The Rockdale Mission Church and Parish Hall Land Sale Ordinance of 1918" it is expedient to repeal such Ordinance and the same is hereby repealed.

2. 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 all the sum of Two thousand pounds (£2,000) which said sum or sums of money the Property Trust is hereby authorised to borrow upon the security of a mortgage or mortgages of the whole or any part or parts of the land described in the First and Second Parts of the Schedule hereto and the buildings erected thereon.

3. The land described in the First and Second Parts of the Schedule hereto or any part or parts thereof may be mortgaged to secure repayment of the moneys so authorised to be borrowed as aforesaid and interest thereon.

4. The moneys so to be borrowed as aforesaid shall be received by the Property Trust and so much of such moneys 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 and incidental to any Mortgage or Mortgages to be executed in pursuance of the powers hereby conferred And the balance of such moneys shall be paid to the Rector and Churchwardens for the time being of St. John's Church Rockdale and shall be applied by them in or towards payment of the cost of and incidental to the carrying out of the work of repairing altering and extending the Church building at present erected on land described in the First Part of the Schedule hereto.

5. The land described in the First and Second Parts of the Schedule hereto or any part or parts thereof may be mortgaged from time to time for the purpose of raising any sum or sums of money with which to discharge or renew the mortgage or mortgages hereinbefore authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof:

Provided that after the expiration of five years from the date of the said First Mortgage the renewals of the said First Mortgage shall be for such sum or sums as the Standing Committee may from time to time by resolution direct.

6. The Rector and Churchwardens for the time being of St. John's Church Rockdale shall within seven days of the date

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of holding the Annual Vestry Meeting during such time as any money is owing to any Mortgagee under any mortgage executed pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, amounts paid off, and the balance owing.

7. This Ordinance shall be styled and cited as the "John's Rockdale Mortgaging Ordinance 1938."

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THE SCHEDULE REFERRED TO.

First Part.

ALL THAT piece or parcel of land situate at Rockdale in the Parish of St. George and County of Cumberland containing an area of thirty and one-quarter ( $30\frac{1}{4}$ ) perches or thereabouts having a frontage of about sixty feet (60ft.) to Princes Highway (referred to in the Certificate of Title as Rocky Point Road) by a depth of about One hundred and forty-two feet one inch (142ft. 1in.) being the whole of the land comprised in Certificate of Title dated the Seventh January 1897 Registered Volume 1211 Folio 57.

Second Part.

ALL THAT piece or parcel of land situate in the Municipality of Rockdale Parish of St. George and County of Cumberland containing twenty and one-quarter ( $20\frac{1}{4}$ ) perches or thereabouts having a frontage of about forty feet (40ft.) to Princes Highway (referred to in the Certificate of Title as Rocky Point Road) by a depth of about One hundred and forty-two feet one inch (142ft. 1in.) being the whole of the land comprised in Certificate of Title dated the Ninth July 1900 Registered Volume 1321 Folio 54.

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

R. C. ATKINSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 31st day of October, 1938.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER,

1st November, 1938.

Bishop Coadjutor Commissary.