

AN ORDINANCE to authorise the sale of certain land situated in the Municipality of Woollahra near Sydney more particularly described in the First Schedule hereto and to provide for the proceeds thereof and to authorise the Mortgage of certain land situated in the Municipality aforesaid and more particularly described in the Second Schedule hereto and to provide for the application of the moneys raised by such Mortgage and for other purposes incidental to the objects hereof.

WHEREAS by Certificate of Title under the provisions of the Real Property Act dated the eleventh day of January One thousand eight hundred and ninety-seven Registered Volume 1211 Folio 81 The Church of England Property Trust Diocese of Sydney (hereinafter called the "Trustee") is the registered proprietor of the land therein and in the First Schedule hereto described AND WHEREAS the said land is held upon trust for the maintenance upon the said land of a Church of the United Church of England and of Ireland and of a School House connected therewith and for such other purpose as the Bishop of the said Diocese shall from time to time direct AND WHEREAS by Indenture of Conveyance dated the fourteenth day of November One thousand nine hundred and twenty-four between Cecilia Matilda McElhone of the one part and Percy Norton Russell and Malcolm McAlpine Roser (hereinafter called the Trustees) of the other part Registered Number 713 Book 1369 certain lands therein and in the Second Schedule hereto described situated at Woollahra in the Parish of Alexandria County of Cumberland were conveyed to the said Percy Norton Russell and Malcolm McAlpine Roser in trust AND WHEREAS by Indenture of Conveyance dated the fourth day of August One thousand nine hundred and twenty-five made between the said Trustees of the one part and the Church of England Property Trust Diocese of Sydney of the other part Registered Number 336 Book 1444 the land therein and in the Second Schedule hereto described was conveyed to the Church of England Property Trust Diocese of Sydney (but the right of way over portion of the said land was inadvertently

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omitted) upon trust to permit a Church and School to be erected on the said land to be called St. Stephen's Church Bellevue Hill and to be subject to the provisions of the Sydney Church Ordinance 1912 or any other Ordinance of the Diocese of Sydney for the time being in force and applicable to the said land AND WHEREAS by reason of circumstances subsequent to the creation of the Trust firstly hereinbefore recited it is expedient to sell by Public Auction or Private Sale the land described in the First Schedule hereto and out of the proceeds of such sale to apply the moneys for the erection of a new Church and School House on the land described in the Second Schedule hereto AND WHEREAS by reasons subsequent to the creation of the Trust secondly hereinbefore recited it is expedient to Mortgage the said land described in the Second Schedule hereto and to apply the money for the erection of the said new Church and School House to be erected thereon. 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 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 or otherwise in the name and in place of such Synod declares directs and rules as follows—

PART ONE.

1. That by reason of circumstances subsequent to the creation of the firstly hereinbefore recited Trust it is expedient to sell the land described in the First Schedule hereto.

2. The said land or any portion or portions thereof may at any time hereafter and from time to time be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Trustee may deem expedient.

3. The purchase money arising from such sale or sales shall be paid to the Trustee and shall be applied by the Trustee in payment of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or transfers of the said land in pursuance thereof and subject

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thereto to the Rector and Churchwardens of St. Stephen's Church Bellevue Hill (whose receipt shall be a sufficient discharge) to be applied by them in or towards the erection of the said new Church and School House on the said land described in the Second Schedule hereto and in the proper laying out of the said land and completely adapting the said land and appurtenances to the said purpose.

PART TWO.

1. That by reason of circumstances subsequent to the creation of the secondly hereinbefore recited trust it is expedient to Mortgage the land described in the Second Schedule hereto.

2. The land described in the Second Schedule hereto may be mortgaged and from time to time such mortgage may be renewed or the land remortgaged on similar conditions to secure the repayment of a sum not exceeding Three thousand pounds (£3,000) together with interest on such moneys Provided that after the expiration of five years from the passing of this Ordinance no renewal of any Mortgage shall be valid for a larger sum than Two thousand eight hundred pounds (£2,800) and thereafter the principal sum shall be reduced at the rate of not less than Two hundred Pounds (£200) per annum.

3. The amount or amounts so to be from time to time obtained after deducting and paying the costs charges and expenses of and incidental to the borrowing of such moneys shall be paid by the Trustee to the Rector and Churchwardens for the time being of St. Stephen's Church Bellevue Hill (whose receipt shall be a sufficient discharge) and shall be by them applied in or towards payment of the costs and expenses of the erection of the said new Church and School House on the land described in the Second Schedule hereto and in the proper laying out of the said land and completely adapting the said land and appurtenances to the said purposes.

4. This Ordinance shall be styled and cited as St. Stephen's Church Bellevue Hill Mortgaging and Sale Ordinance 1927.

FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Municipality of Woollahra Parish of Alexandria County of Cumberland being

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the whole of the land comprised in Certificate of Title Volume 1211 Folio 81,

SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Parish of Alexandria County of Cumberland State of New South Wales and being part of Cooper and Levy's One thousand one hundred and thirty (1130) acres Consolidated Grant commencing on the South Eastern boundary of Park Road at a point bearing South Westerly and distant Three hundred and seventy-seven feet five and seven sixteenth inches along that boundary from its intersection with Bellevue Hill Reserve and bounded thence by a line bearing South Easterly Two hundred and thirty-nine feet two and three sixteenth inches thence by a line bearing South Westerly Sixty feet thence by a line bearing North Westerly Two hundred and forty-six feet and seven sixteenth inches to Park Road and thence by part of the South Eastern boundary of that Road bearing North Easterly Sixty feet two and seven sixteenth inches to the point of commencement excepting and reserving thereout to the said Cecilia Matilda McElhone her heirs executors administrators and assigns a right of way over the strip of land four feet wide along the North Eastern boundary of the land hereby conveyed as appurtenant to the property known as "Karaweera" fronting Old South Head Road, Woollahra.

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

F. B. WILKINSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-eighth day of November, 1927.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,  
Bishop Coadjutor,  
Commissary.

29th November, 1927.