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*"The Berrima-cum-Moss Vale Mortgaging and Sale  
Ordinance 1939."*

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No. 9, 1939.

AN ORDINANCE authorising the mortgaging and sale of certain land situate at Moss Vale in the County of Camden Parish of Bong Bong and State of New South Wales and providing for the application of the proceeds thereof.

WHEREAS by Certificate of Title dated the eleventh day of March 1916 Registered Volume 2651 Folio 89 "The 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 Schedule hereto AND WHEREAS the 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 of such purposes in connection with the Church of England in the Parish of Berrima-cum-Moss Vale at Moss Vale as appears by a certain Deed Poll or Declaration of Trust under the Common Seal of the Property Trust dated the Twenty-first day of July 1916 registered in the office of the Registrar-General Sydney as Number 10185 AND WHEREAS the said land is the site and grounds of the Rectory for the said Parish AND WHEREAS the said Parish is indebted to the Church Buildings Loan Fund in the sum of Two hundred and seventy-one pounds ten shillings (£271/10/0) being the balance of moneys borrowed from such Fund for the purposes of erecting a new Church Building for the said Parish to the Winge-carribee Shire Council for kerbing and guttering charges in the sum of Nineteen pounds eight shillings and six pence (£19/8/6) and for arrears of sanitary charges and garbage fees in the sum of Nineteen pounds ten shillings and ten pence (£19/10/10) and to the English Scottish and Australian Bank Limited Moss Vale in respect of the Church Management Account in the sum of Two hundred pounds (£200) being the balance of moneys borrowed from such Bank for the purpose of erecting the said new Church Building and it is desired to pay and satisfy such debts AND WHEREAS there is no sewerage service installed at the said Rectory and such Rectory is in need of some minor repairs and it is desirable and necessary to instal a sewerage service

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at and to execute such minor repairs to the said Rectory and it is estimated that the cost of installing the said sewerage service will be One hundred and forty-eight pounds and that the cost of executing the said repairs will be Thirty pounds making in all the sum of One hundred and seventy-eight pounds (£178) AND WHEREAS for the purpose of providing moneys to pay or satisfy the indebtedness of the Parish as hereinbefore mentioned and to pay the cost of installing a sewerage system at and executing the said repairs to the said Rectory it is necessary and expedient to borrow or raise money upon the security of a Mortgage or Mortgages of the whole or some part of the said land AND WHEREAS the land described in the Second Schedule hereto which is part of that described in the First Schedule hereto is not necessary for the purposes of the Church of England in the said Parish and it is expedient to sell the same and a contract to purchase the same for the sum of Twelve pounds ten shillings (£12/10/0) has been executed by one James Wallis 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" 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 enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to borrow from time to time a sum or sums of money not exceeding in all at any one time the sum of Seven hundred pounds (£700) 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 of the land described in the First Schedule hereto and the buildings erected thereon.

2. The land described in the First Schedule hereto or any part or parts thereof and the buildings erected thereon and the appurtenances thereof may from time to time be mortgaged to secure repayment of the moneys so authorised to be borrowed as aforesaid and interest thereon.

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3. The moneys so to be from time to time borrowed as aforesaid shall be received by the Property Trust and so much thereof as shall be necessary 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 executed in pursuance of the powers hereby conferred and the balance of such moneys shall be paid to the Churchwardens for the time being of the said Parish and shall be applied by them in or towards payment of the indebtedness of the Parish as aforesaid to the Church Buildings Loan Fund, the Wingecarribee Shire Council and the English Scottish and Australian Bank Limited and in or towards the payment of the cost of installing a sewerage system at the Rectory for the said Parish and of executing repairs to the said Rectory.

4. The land described in the First 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 now 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 and in the absence of other direction by the Standing Committee the first renewal shall be for not more than Six hundred and fifty pounds (£650) and subsequent renewals shall be on the basis of a reduction of the principal amount or limit of overdraft accommodation at the rate of not less than Fifty pounds (£50) per annum.

5. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to sell the land described in the Second Schedule hereto and the Property Trust or other the Trustee for the time being thereof is hereby authorised to sell the land described in the Second Schedule hereto to the said James Wallis for the sum of Twelve pounds ten shillings in conformity with the hereinbefore recited contract.

6. The moneys to arise from the sale of the land described in the Second Schedule hereto or of any part or parts thereof shall be received by the Property Trust and shall be applied

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firstly in payment of any costs and fees of and incidental to this Ordinance remaining unpaid and the costs and fees of and incidental to any sale or sales of the said land or any part thereof hereby authorised and the balance of such moneys shall be paid to the Churchwardens for the time being of the said Parish and shall be applied by them in or towards reduction of the indebtedness of the said Parish as hereinbefore mentioned or in or towards reduction of the moneys owing under any mortgage of the land described in the First Schedule hereto or any part thereof for the time being subsisting.

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

8. This Ordinance shall be styled and cited as "The Berrima-cum-Moss Vale Mortgaging and Sale Ordinance 1939."

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THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land situate in the Shire of Wingecarribee Parish of Bong Bong and County of Camden containing a total area of about Seven acres one rood sixteen and one-quarter perches (7 acs. 1 rd. 16 $\frac{1}{4}$  ps.) having frontages to Browley Street and Waite Street and being the whole of the land comprised in Certificate of Title dated the 11th day of March 1916 Registered Volume 2651 Folio 89 and being Lots 9 14 to 17 inclusive 20 and 21 and part of Lot 12 of Section 2 Deposited Plan No. 38.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

ALL THAT piece or parcel of land situate in the Shire Parish and County aforesaid being part of the land described in the First Schedule hereto and having a frontage of about Fifty and three-quarters links (50 $\frac{3}{4}$  links) to Waite Street by a depth

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along one side of about Six hundred and thirty-nine links (639 links) and a depth along the other side of about Six hundred and nineteen links (619 links) and being that part of Lot 12 Section 2 Deposited Plan Number 38 as is comprised in Certificate of Title Registered Volume 2651 Folio 89.

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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 Twenty-sixth day of June, 1939.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

28th June, 1939.