

Mortdale and Peshurst Mortgaging Ordinance 1931.

No. 1. 1931.

AN ORDINANCE authorising the mortgaging of certain land situate in Woronora Parade Oatley in the County of Cumberland and Parish of St. George and State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS by an Indenture of Conveyance bearing date the 9th day of August 1909 made between Frederick Guy Griffiths and Herbert Bowring Greene therein described of the one part and the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Property Trust) of the other part Registered Number 127 Book 889 all that piece of land described in the Schedule hereto was conveyed unto the said Property Trust in fee simple upon trust to permit a Church School Rectory Hall or such other building as may be deemed requisite to be erected on the said land and to be subject to the regulations so far as they may be applicable contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the said Diocese altering or modifying the first mentioned Ordinance. AND WHEREAS the said land lies within the boundaries of the Parish of Mortdale and Peshurst cum Oatley and Peakhurst AND WHEREAS the land described in the Schedule hereto is vacant and unoccupied and is a most suitable site upon which to erect a building to be used as a Church Hall for the said Parish and it is desirable to erect on such land a building to be used for such purpose AND WHEREAS the Municipal Rates payable in respect of the said land have not been paid for some years past and there is now owing to the Council of the Municipality of Hurstville for such rates and interest thereon the sum of approximately One hundred and seven pounds AND WHEREAS the said Parish is indebted to the Home Mission Society in the principal sum of £379 14s. 0d. for advances made by the said Society to for or on behalf of the said Parish together with interest thereon calculated at 4½ per centum per annum amounting to the sum of £48 18s. 6d. to the 1st April 1930 and together with further interest accruing thereafter at the rate of 4½ per centum per annum on the said principal sum AND WHEREAS for the purpose of providing money to pay the rates and interest thereon owing to the said Council of the Municipality of Hurstville as aforesaid and the interest owing to the Home Mission Society in respect of the advances made by that Society

2 *Moridale and Penshurst Mortgaging Ordinance 1931.*

as aforesaid and to pay for the cost of the erection of a building on the said land to be used for the purpose of a Church Hall for the said Parish it is desirable and expedient to borrow money upon the security of a Mortgage or Mortgages of the whole or any part or parts of the said land 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 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 the total sum of Nine hundred pounds which said sum or sums of money the Property Trust is hereby authorised to borrow upon the security of the land described in the Schedule hereto and the buildings to be erected thereon.

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

3. That the moneys so to be borrowed as aforesaid shall be received by the said Property Trust and so much thereof as shall be required for such purpose shall be applied in 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 so much thereof as shall be required for such purpose shall be paid to the Council of the Municipality of Hurstville in payment of the amount owing to that Council for rates and interest thereon in respect of the land described in the Schedule hereto up to and including the year one thousand nine hundred and thirty-one and so much thereof as shall be required for such purpose shall be paid to the Home Mission Society as and for the interest owing by the said Parish to the said Society up to the thirty-first day of March one thousand nine hundred and thirty-one for and in respect of the amount advanced by the said Society to for or on account of the said Parish as aforesaid and the balance of such moneys shall

be paid by the said Property Trust to the Treasurer for the time being of the Parish Council for the time being of the Parish of Mortdale and Penshurst cum Oatley and Peakhurst and shall be applied by such Council in or towards payment of the cost of the erection of a building to be erected on the land described in the Schedule hereto to be used as a Church Hall for the purposes of the said Parish including all Architect's and/or Surveyor's fees incurred or payable in connection with the erection of such building.

4. That the term of any Mortgage or Mortgages executed in pursuance of the power hereby conferred may be extended from time to time and upon such terms and conditions as the Rector and the majority of the members of the Parish Council of the said Parish may think fit and the said land and all buildings to be erected thereon 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 Nine hundred pounds with which to discharge any Mortgage or Mortgages executed in pursuance of the power aforesaid or any Mortgage or Mortgages executed in substitution therefor or otherwise authorised by this Ordinance. Provided that after the expiration of six years from the date of the passing of this Ordinance no extension of the term of or renewal of any Mortgage of the said land then existing or any Mortgage executed for the purpose of raising money with which to discharge any then existing Mortgage shall be executed to secure payment of a larger sum than Six hundred pounds and thereafter the principal sum secured by any Mortgage or Mortgages executed in pursuance of the authority hereby conferred shall be reduced at the rate of at least the sum of Fifty pounds per annum.

5. This Ordinance shall be styled and cited as the "Mortdale and Penshurst cum Oatley and Peakhurst Mortgaging Ordinance of 1931."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Parish of St. George County of Cumberland State of New South Wales containing an area of one acre or thereabouts being Lots One Two Three and Four of Section Thirteen of Griffiths' Subdivision at Oatley Commencing on the West side of Woronora Parade at its intersection with the North side of Woncoona Parade and bounded on the East by Woronora Parade bearing Northerly

4 *Mortdale and Penshurst Mortgaging Ordinance 1931.*

two hundred and sixty-four feet on the North by a line dividing it from Lot Five bearing Westerly one hundred and sixty-five feet two and one quarter inches on the West by a line dividing it from Lots Seventeen Eighteen Nineteen and Twenty bearing Southerly two hundred and sixty-four feet and one quarter inch to Wonoona Parade and on the South by Wonoona Parade bearing Easterly one hundred and sixty-five feet three inches to the point of commencement be the said measurements all a little more or less.

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 twenty-third day of February, 1931.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

25th February, 1931.