

*St. Aidan's Balgownie Mortgage Ordinance 1953*

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No. 33, 1953.

AN ORDINANCE to authorise the mortgaging of certain land situated at Balgownie Parish of Woonona County of Camden and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated 1st December 1904 made between Thomas Farrell of the one part and The Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the other part Registered No. 728 Book 771 the said Thomas Farrell did grant and release unto the Corporate Trustee the land more particularly described in the Schedule hereto being Lot 2 Section 3 of a resubdivision by the said Thomas Farrell of the Balgownie Estate Upon Trust to permit a Church to be erected on the said land to be called "Saint Aidan" and also to permit a School House to be erected on the said land and to be subject to the Regulations (so far as they might 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 is Church Trust Property held for the sole benefit of the said Church of Saint Aidan Balgownie in the Parish of St. Alban's Corrimal AND WHEREAS a new Church has been erected on the said land known as "Saint Aidan" Balgownie AND WHEREAS it is necessary and expedient to mortgage the said land and premises for the purpose of completing the payment of the cost of erection of the said Church Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Declares as follows:—

1. (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedule hereto for the purpose of borrowing the sums following:—
  - (a) When the power is first exercised a sum not exceeding One thousand pounds (£1,000).

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- (b) When the power is subsequently exercised such sum not exceeding the sum of £1,000 as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than £120 per annum when the power is first exercised, and thereafter at such rate as the Standing Committee may by resolution determine, but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.
- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

2. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Rector and Churchwardens for the time being of the said Church of St. Aidan Balgownie (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the building and erection of the Church of St. Aidan at Balgownie.

3. The Churchwardens for the time being of the Church of St. Aidan Balgownie shall within seven days of the date of holding the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

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4. This Ordinance shall be styled and cited as the "St. Aidan's Balgownie Mortgaging Ordinance 1953."

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THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Balgownie near Wollongong in the Parish of Woonona County of Camden and State of New South Wales being Lot Two Section Three of a re-subdivision by the said Thomas Farrell of part of the Balgownie Estate commencing at a point on the north side of Farrell Street distant eighty six and seven tenths feet from its intersection with the east side of a reserved Lane twenty feet wide and being the south east corner of Lot One said Section and bounded thence on the west by a line dividing it from that Lot bearing northerly one hundred and fifty feet to the south west corner of Lot Ten Section Four thence on the north by a line dividing it from that Lot bearing easterly fifty feet to the north west corner of Lot Three Section Three thence on the east by a line dividing it from that Lot bearing southerly one hundred and fifty feet to Farrell Street aforesaid and thence on the south by part of the north side of that Street bearing westerly fifty feet to the point of commencement be the said several dimensions all a little more or less.

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

W. G. HILLIARD, Bishop,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the first day of December, 1953.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

3/12/1953