
"The St. Alban's Epping Mortgaging Ordinance 1934."

No. 4, 1934.

AN ORDINANCE to authorise the mortgaging of certain land situate in Pembroke Street Epping such land being more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Certificates of Title under the provisions of the Real Property Act 1900 dated the 26th day of March 1923 Volume 3433 Folio 219 and the 30th day of June 1896 Volume 1194 Folio 189 the Church of England Property Trust Diocese of Sydney (hereinafter designated the "Property Trust") are the Registered Proprietors of the land described in the Schedule hereto subject to the Declaration of Trust hereinafter recited AND WHEREAS by Declaration of Trust bearing date the 13th day of October 1900 the then Trustees declared that they held the said land and the school church so erected thereon for church purposes in connection with the St. Alban's Church Epping and upon further trust to permit a Church to be erected on the said land to be called St. Alban's Church and which land and buildings should 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 Diocese of Sydney altering or modifying the first mentioned Ordinance Subject also to be indemnified in respect of a Mortgage therein recited which mortgage has now long since been discharged AND WHEREAS it has been considered desirable to demolish the old weatherboard dwelling (at present used as a rectory) erected upon part of the land comprised in the Schedule hereto and to erect a new Rectory in place thereof AND WHEREAS it has been considered desirable to renovate remodel and make additions to the old School Church also erected upon part of the land comprised in the Schedule hereto and to use the same for the purposes of the said Parish AND WHEREAS for the purpose of providing money to pay for the cost of the erection of either the new Rectory or the renovating remodelling and making additions to the School Hall or for both purposes it is necessary and expedient to borrow money upon the security of a mortgage or mortgages of the whole or any part or parts of the land described in the Schedule hereto and the buildings erected and to be erected thereon Now therefore the Standing

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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 on the said Synod for the management and good government of the Church of England within the State of New South Wales and all other powers thereunto enabling it Ordains declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the hereinbefore recited trusts it is expedient to borrow a sum or sums of money not exceeding in the whole Two thousand five hundred pounds (£2500) which said sum or sums of money the Property Trust is hereby authorised to borrow upon the security of the lands described in the Schedule hereto or any part or parts thereof and the buildings erected and/or to be erected thereon.

2. That the lands described in the Schedule hereto or any part or parts thereof and the buildings erected and/or to be erected thereon as aforesaid and the appurtenances thereof may be from time to time mortgaged by the Property Trust or other the Trustee thereof for the time being 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 Property Trust and so much thereof 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 any Mortgage or Mortgages to be executed in pursuance of the powers hereby conferred and the balance of the said moneys shall be paid to the Rector and Church Wardens for the time being of the Church of St. Alban's Epping and shall be applied by them in or towards the payment of the costs of erection of the proposed new rectory upon the lands described in the schedule hereto or on some part thereof and/or the costs of renovating remodelling and making additions to the school church or for both of such purposes and in payment of architect's and/or surveyor's fees in connection therewith.

4. That subject to such terms and conditions as the Standing Committee may by resolution impose the term or terms of

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any Mortgage or Mortgages to be executed in pursuance of the powers hereby conferred may be extended from time to time and the said lands or any part or parts thereof 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 Two thousand five hundred pounds (£2500) with which to discharge any Mortgage or Mortgages to be executed in pursuance of the powers aforesaid or any mortgage or mortgages to be executed in pursuance of the power conferred by this paragraph or otherwise authorised by this Ordinance provided that after the expiration of three years from the date of the first Mortgage to be executed in pursuance of the powers conferred by this Ordinance the principal sum secured by any Mortgage or Mortgages executed in pursuance of the powers hereby conferred shall be reduced at the rate of not less than fifty pounds (£50) per annum or by such sum or sums as the Standing Committee shall by such resolution determine.

5. That a document purporting to be certified by the Archbishop or Registrar of the said Diocese (or any person acting in his place) as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming through the mortgagee be conclusive evidence that such resolution was duly passed; and the receipt of the Rector and Churchwardens for the time being of the Parish of St. Alban's Epping shall be sufficient discharge for any payments made by the Property Trust in pursuance of this Ordinance.

6. This Ordinance shall be styled and cited as the St. Alban's Epping Mortgaging Ordinance 1934.

SCHEDULE.

ALL THAT piece or parcel of land situate at Epping in the Shire of Hornsby Parish of Field of Mars County of Cumberland and State of New South Wales containing two roods five perches having a frontage of 154 feet 0 $\frac{1}{2}$ inches to Pembroke Street and being the whole of the land comprised in Certificate of Title Volume 3433 Folio 219 AND also all that piece or parcel of land situate as aforesaid containing two roods twenty-seven perches having a frontage of 199 feet 3 $\frac{1}{2}$ inches to Pembroke Street and being the whole of the land comprised in Certificate of Title Volume 1194 Folio 189.

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

HENRY W. F. ROGERS,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this second day of July, 1934.

C. R. WALSH,
Registrar.

I assent to this Ordinance.

HOWARD SYDNEY.

14th July, 1934.