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*St. Stephen's Church Bellevue Hill Mortgaging Ordinance 1929.*

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No. 2. 1929.

AN ORDINANCE to authorise the obtaining of further advances on an existing mortgage of certain lands situate in the Municipality of Woollahra near Sydney more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney is the owner in fee simple of certain lands situate at Woollahra in the Parish of Alexandria County of Cumberland and described in the Schedule hereto upon trust to permit a church and school to be erected on the said land 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 the said land is now Church Trust Property AND WHEREAS by an Indenture of Mortgage dated the twenty-third day of January One thousand nine hundred and twenty-eight made between the Church of England Property Trust Diocese of Sydney of the one part and the Australian Mutual Provident Society of Australia Limited (a registered company) of the other part Registered Number 734 Book 1500 the said land described in the Schedule hereto was conveyed to the said Australian Mutual Provident Society of Australia Limited by way of Mortgage to secure the sum of Three thousand pounds (£3000) and interest subject to the proviso for redemption therein contained AND WHEREAS there is owing on the security of the said Indenture of Mortgage the sum of Three thousand pounds (£3000) and interest has been paid up to the twenty-third day of October last. AND WHEREAS it is expedient to build a Minister's residence upon part of the said land described in the Schedule hereto AND WHEREAS by reason of circumstances subsequent to the creation of the trusts hereinbefore recited it is expedient to vary the trusts so that the land described in the Schedule hereto should in addition to the trusts hereinbefore recited be held on trust as to part of it for a site for a Rectory in connection with St. Stephen's Church

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AND WHEREAS in order to pay for the same it is necessary that moneys should be raised on the said land (subject to the Indenture of Mortgage hereinbefore referred to and the moneys thereby secured) and the buildings erected and to be erected thereon to secure the repayment of any moneys so borrowed as aforesaid with interest thereon AND WHEREAS by reason of circumstances subsequent to the creation of the trusts hereinbefore recited it is expedient to obtain further advances on the amount secured by Indenture of Mortgage hereinbefore recited and to apply the money for the erection of a Rectory to be erected on part of the land, in the Schedule hereto. 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 the place of such Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to vary the trusts and henceforth the land described in the Schedule hereto shall in addition to the said recited trusts be held upon trust as to part as a site for a Rectory in connection with St. Stephen's Church Bellevue Hill and for the purposes aforesaid it is expedient to obtain from time to time a further advance or advances of money not exceeding in the aggregate the sum of Two thousand pounds (£2000) on the security of the land more particularly comprised in the Schedule hereto and the buildings erected and to be erected thereon subject to the Indenture of Mortgage hereinbefore recited and the moneys thereby secured.

2. That the said piece of land described in the Schedule thereto and the buildings erected and to be erected as aforesaid and the appurtenances may be from time to time mortgaged to secure the repayment of the moneys so authorised to be borrowed as aforesaid and further advances not exceeding Two thousand pounds (£2000) may be obtained in addition to the principal

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moneys secured by the hereinbefore recited Indenture, of Mortgage.

3. That the amount or amounts so to be from time to time raised (after deducting thereout the costs of and incidental to this Ordinance and any mortgage or mortgages or variations of mortgage executed in pursuance of the powers hereby conferred and also any charge created on the said land) shall be paid by the said Trust to the 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 the payment of the costs of the erection of a residence for a Minister on the said land.

4. This Ordinance shall be styled and cited as the "St. Stephen's Church Bellevue Hill Mortgaging Ordinance 1929."

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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

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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.

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-fifth day of February, 1929.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,

Bishop Coadjutor, Commissary.

26th February, 1929.