

*St. Stephen's (Hurlstone Park) Mortgaging Ordinance, 1929.*

**No. 17. 1929.**

AN ORDINANCE to authorise the mortgaging of certain lands at Hurlstone Park in the Municipality of Canterbury Parish of Petersham and County of Cumberland in the State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS Henry Wentworth Rudolph Meyer, Storekeeper, Edward William Flower, Civil Servant, William Dalton, Retired Civil Servant, Robert Wilson, Manufacturer and George Alexander Chambers, Clerk in Holy Orders, are registered under the provisions of the Real Property Act 1900 as the proprietors in fee simple as joint tenants of the land referred to in the schedule hereto AND WHEREAS by Memorandum of Mortgage No. B112969 dated the nineteenth day of July One thousand nine hundred and twenty-four the said Henry Wentworth Rudolph Meyer, Edward William Flower, William Dalton, Robert Wilson and George Alexander Chambers mortgaged the said land to the Australian Mutual Provident Society for the purpose of securing the sum of Two thousand pounds and interest thereon as appears by the said Memorandum of Mortgage AND WHEREAS the said land is Church trust property within the meaning of the Church of England Trust Property Act 1917 purchased and held for the purposes of a site for a church a school and a parsonage in connection with the Church of England AND WHEREAS the said sum of Two thousand pounds together with certain interest is still due and owing under the said Memorandum of Mortgage upon the security of the said land AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of such property it is expedient that the said land should be mortgaged for the purposes and in the manner hereinafter appearing Now 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

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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 the said Synod declares directs and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts to which the land referred to in the schedule hereto is subject it is expedient to mortgage the said land or any part or parts thereof for the purpose of raising and securing an advance or advances of money not exceeding in the aggregate the sum of Three thousand three hundred pounds together with interest thereon.

2. That the said land or any part or parts thereof may be mortgaged from time to time for the purpose of raising and securing the repayment of a sum or sums not exceeding in the aggregate the principal sum of Three thousand three hundred pounds together with interest on the said principal sum Provided that such principal sum shall be reduced by the sum of One hundred pounds at the expiration of each successive year after the year One thousand nine hundred and twenty-nine but no mortgagee nor any person claiming under any mortgagee nor the Registrar General shall be concerned to see or enquire into or be affected by notice of any failure to reduce such principal sum in manner aforesaid.

3. That the proceeds of such mortgage or mortgages after deducting all costs charges and expenses of and incidental to such mortgage or mortgages and this ordinance shall be applied by the trustee or trustees for the time being of the said land Firstly in discharging Memorandum of Mortgage No. B112969 dated the nineteenth day of July One thousand nine hundred and twenty-four from Henry Wentworth Rudolph Meyer, Edward William Flower, William Dalton, Robert Wilson and George Alexander Chambers to the Australian Mutual Provident Society over the said land and Secondly the balance shall be paid by such trustee or trustees to the churchwardens for the time being of the Church of St. Stephen's in the provisional district of St. Stephen's Hurlstone Park whose receipt shall be a sufficient discharge and shall be applied by such churchwardens in or towards the payment of the costs of the erection of a parsonage on part of the said land.

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4. That subject to the proviso contained in section two hereof the said land or any part or parts thereof may be mortgaged from time to time for the purpose of raising and securing any sum or sums with which to discharge any mortgage or mortgages theretofore given in pursuance of this ordinance.

5. That this ordinance may be cited as "St. Stephen's (Hurlstone Park) Mortgaging Ordinance 1929."

THE SCHEDULE REFERRED TO.

All that piece of land situated in the Municipality of Canterbury Parish of Petersham and County of Cumberland containing one rood twenty-two and three quarter perches or thereabouts and having a frontage of one hundred and twenty-eight feet six inches or thereabouts to Canterbury New Road by a depth along Dunstaffnage Street of one hundred and twenty feet six inches and being the whole of the land comprised in Certificate of Title Volume 3586 Folio 5.

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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 November, 1929.

C. R. WALSH,

Secretary.

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

29th November, 1929.