
The Holy Trinity Church, Dulwich Hill, Mortgaging.

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AN ORDINANCE to authorise the mortgaging of certain lands situate in Dulwich Hill Municipalities of Marrickville and Petersham Parish of Petersham County of Cumberland and State of New South Wales and o provide for the application of the proceeds thereof.

WHEREAS by virtue of Certificate of Title dated the Eighteenth day of August one thousand eight hundred and ninety-one Registered Volume 1025 Folio 236 the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Property Trust) is registered as the proprietor of an Estate in fee simple in ALL THAT piece of land described in the First Schedule hereto which said land is held by the Property Trust UPON TRUST to permit the same to be used for the erection and maintenance thereon or on part thereof of a Church or Churches for the celebration of Divine service according to the rites of the Church of England and the erection and maintenance thereon of a School Hall and Rectory and such other building or buildings as shall be requisite or necessary to be used in connection with the said Church or Churches or otherwise for the purposes of the Church and for other purposes in connection with the Church of England in the Parish of Holy Trinity Dulwich Hill as appears by Declaration of Trust under the Common Seal of the said Property Trust dated the twenty-fifth day of September one thousand nine hundred and fourteen, AND WHEREAS there are now erected on the land described in the said First Schedule buildings used for the purpose of a School Hall in connection with the Church of England in the said Parish, AND WHEREAS until recently there has been no building held UPON TRUST for the Church of England in the said Parish which was suitable for the purposes of a Rectory for the said Parish AND WHEREAS by Memorandum of Agreement dated the Seventh day of February one thousand nine hundred and twenty-five made between Jessie Robertson Gazzard (Vendor) of the one part and Henry Vime Dicker, David Petrie Sinclair, Edward Thornton and George Alexander Chambers (Purchasers) of the other part the said Purchasers

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agreed to purchase from the said Vendor certain land and buildings situate at the Boulevard, Dulwich Hill (being the land more particularly described in the Second Schedule hereto) for the purposes of a Rectory for the said Parish AND WHEREAS the land and buildings described in the Second Schedule hereto have not yet been transferred by the said Jessie Robertson Gazzard to the said Henry Vins Dicker, David Petrie Sinclair, Edward Thornton and George Alexander Chambers and part of the purchase money payable for the said land and buildings amounting to two thousand pounds is still unpaid AND WHEREAS certain additions and renovations to the buildings on the land described in the said Second Schedule have been effected but the cost of the same is still unpaid AND WHEREAS for the purpose of providing money for the completion of the purchase of the said land comprised in the Second Schedule hereto and the buildings erected thereon and for the payment of the cost of the additions and renovations to such buildings it is necessary and expedient to mortgage the lands described in the First and Second Schedules hereto or any part or parts thereof and to apply the moneys raised by any such Mortgage or Mortgages in or towards payment of the balance of Purchase Money payable upon the purchase of the land comprised in the Second Schedule hereto and the buildings erected thereon and in or towards the payment of the cost of the said additions and renovations to such buildings and for such other purposes as are hereinafter provided AND WHEREAS by Declaration of Trust dated the thirtieth day of March one thousand nine hundred and twenty-five under their respective hands and seals the said Henry Vins Dicker, David Petrie Sinclair, Edward Thornton and George Alexander Chambers declared that they would hold the said property described in the Second Schedule hereto UPON TRUST that the same should be used for the purposes of a Rectory in connection with the Church of England in the Parish of Holy Trinity Dulwich Hill in the said State. 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 1912" and the ordinances of Synod passed in the years one thousand nine hundred and eighteen and one thousand nine hundred and twenty-one appointing the Standing Committee

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for the purposes of exercising during the recess of Synod the powers and functions in the said Ordinances referred to 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 place of such Synod ordains declares 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 at any one time the total sum of two thousand two hundred and fifty pounds (£2250) which sum the respective Trustee or Trustees of the lands described in the First and Second Schedules hereto are hereby authorised to borrow on the security of the land comprised in the First and Second Schedules hereto and the buildings erected thereon.

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

3. That the amount or amounts so to be from time to time borrowed as aforesaid shall be applied in the following manner that is to say:—They shall be paid to the Church Wardens for the time being of the Church of England in the Parish of Holy Trinity Dulwich Hill and shall be applied in the first place in or towards the costs of and incidental to this Ordinance and of any Mortgage or Mortgages executed in pursuance of the powers hereby conferred and toward the payment of architects and/or surveyors' fees and legal costs and fees incurred in connection with the purchase of the land described in the Second Schedule hereto and the buildings erected thereon and subject thereto shall be applied in or towards the payment of the balance of purchase money payable in connection with the purchase of the land described in the Second Schedule hereto and buildings erected thereon to be used as a Rectory for the purposes of the said Parish

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and in or towards the payment of the cost of the additions and renovations to the buildings erected on such land.

4. That the term of any Mortgage or Mortgages given in pursuance of the powers hereby conferred may be extended from time to time and upon such terms and conditions as the respective Trustee or Trustees of the lands described in the Schedules hereto may think fit and the lands described in the Schedules hereto and all buildings thereon may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding in the aggregate the sum of two thousand two hundred and fifty pounds with which to discharge or renew the Mortgage or Mortgages hereinbefore authorised or any Mortgage or Mortgages executed in substitution therefor or otherwise authorised by this Ordinance PROVIDED THAT up to the end of four years after the passing of this Ordinance no extension or renewal of any Mortgage nor any Mortgage raised for the purpose of discharging any then existing Mortgage shall be given to secure a larger sum than two thousand one hundred pounds and for the purpose of ascertaining the amount for which any further extension or renewal or other mortgage may be validly carried into effect after such period of four years as aforesaid the said amount of two thousand one hundred pounds shall be reduced at the rate of at least one hundred and fifty pounds (£150) per annum.

5. This Ordinance shall be styled and cited as "The Holy Trinity Church Dulwich Hill Mortgaging Ordinance of 1925."

THE FIRST SCHEDULE.

ALL THAT piece or parcel of land situate in the Municipality of Marrickville Parish of Petersham County of Cumberland and State of New South Wales containing twenty-six and one half perches or thereabouts being Lot 9 and part of Lot 10 of Section 2 on Deposited Plan No. 676 having a frontage of fifty-five feet to Herbert Street Dulwich Hill by a depth of one hundred and thirty-one feet six inches being the whole of the land comprised in Certificate of Title dated the Eighteenth day of August one

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thousand eight hundred and ninety-one Registered Volume 1025 Folio 230.

THE SECOND SCHEDULE.

ALL THAT piece or parcel of land situate in the Municipality of Petersham Parish of Petersham County of Cumberland and State of New South Wales being part of Lot 30 of Section 3 on Deposited Plan No. 144 and also part of Lot 6 of Section 3 on Deposited Plan No. 218 having a frontage of sixty feet to the Boulevard Dulwich Hill by a depth of one hundred and seventy-five feet being the whole of the land comprised in Certificate of Title dated the Tenth day of July one thousand nine hundred and twenty-two Registered Volume 3335 Folio 169.

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

A. J. GOULD,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-seventh day of April, 1925.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th April, 1925.