
*St. Anne's Strathfield with Homebush Mortgaging
Ordinance 1939.*

No. 25, 1939.

AN ORDINANCE to authorise the mortgaging of certain lands situated at Strathfield in the County of Cumberland Parish of Concord and Municipality of Strathfield and to provide for the application of the proceeds thereof.

WHEREAS the lands mentioned in the Schedule hereunder (hereinafter called the said lands) are vested in Charles Cadell Capper William Gordon Nisbet and William Edwards as Trustees Upon Trust for the erection and maintenance thereon of a church or building to be known by the name of St. Anne and also to erect thereon or some part thereof a Church of England School and Parsonage or Residence for the Minister for the time being of the said Church or either of the said last mentioned buildings as might be determined by the Minister, the Trustees and the Wardens of the said church or the majority of them.

AND WHEREAS the said lands are Church Trust property.

AND WHEREAS it is expedient to declare the trusts in respect to the said lands as hereinafter mentioned.

AND WHEREAS there is at present erected on portion of the said lands the said Church of St. Anne Strathfield with Homebush which is consecrated and a Parish Hall.

AND WHEREAS it is expedient to enlarge and renovate the said Parish Hall.

AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it has become inexpedient to carry out and observe such trusts insofar as the same are hereby varied 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. By reason of circumstances subsequent to the creation of the said trusts it has become inexpedient to carry out and observe such trusts insofar as the same are hereby varied and it is expedient that such trusts be varied accordingly.

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2. The whole of the said lands shall be held Upon Trust to permit the same to be used for a Church and Church of England School or Parish Hall or partly for one or partly for another or others of such purposes in connection with the Church of England in the Parish of St. Anne Strathfield with Homebush.

3. So much of the said lands as the Archbishop shall certify are not required for the purpose of the said Church may be mortgaged for the purposes of borrowing the sums following:—

- (a) When the power is first exercised a sum not exceeding Two thousand pounds (£2000).
- (b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of Fifty pounds (£50) per annum after the power is subsequently exercised.
- (c) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (d) 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 mortgagee be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage authorised by Section 3 shall stand charged with the payment of the costs charges and expenses of and incidental to this Ordinance and such Mortgage and subject thereto such proceeds shall be applied in and towards the cost of enlarging and renovating the said Parish Hall.

5. The Churchwardens for the time being of St. Anne's Church Strathfield with Homebush 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 amounts paid off and balance owing.

6. This Ordinance may be cited as "St. Anne's Strathfield with Homebush Mortgaging Ordinance 1939."

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THE SCHEDULE HEREINBEFORE REFERRED TO.

PART I.

ALL THAT piece or parcel of land situate in the Parish of Concord in the County of Cumberland Colony of New South Wales and containing by admeasurement (be the same more or less) One rood and twenty-three and one-half perches being Lot One and part of Lot Two of Section Two of the Bathampton Estate at Homebush commencing at the north-west corner of Allotment Number One of Section Two of the said Estate and bounded thence on the west by the Homebush Road being a line running south One hundred feet thence on the south-east by a line bearing north-easterly parallel to Beresford Street Two hundred and thirty-five feet four inches or thereabouts to a point on the north-east boundary of Allotment Number Two of the same Section thence on the north-east by part of the north-east boundary of that Allotment and in continuation by the north-east boundary of Allotment Number One being in all a line bearing north-westerly eighty-three feet three inches to the northernmost corner of that Allotment and on the north-west by the north-west boundary of that Allotment being a line bearing south-westerly One hundred and eighty feet to the point of commencement.

ALSO ALL THAT piece or parcel of land situate in the Parish of Concord in the County of Cumberland in the Colony of New South Wales and containing by admeasurement (be the same more or less) Twenty and one-quarter perches Commencing at the north-west corner of Allotment Number One of Section Two of the Bathampton Estate at Homebush and bounded thence on the south-east by the north-west boundary of that Allotment (being a line running north-easterly parallel to Beresford Street) One hundred and eighty feet to the northernmost corner thence on the north-east by a line bearing north-westerly thirty-three feet being a continuation of the north-east boundary of Allotment Number One aforesaid to a point on the south-east side of William Russell's five and a half perches thence on the north-west by part of that boundary being a line bearing south-westerly one hundred and fifty-eight feet to Homebush Road and on the west by Homebush Road being a line running south Thirty-nine feet eight inches to the point of commencement being the whole of the land comprised in Conveyance dated the Third day of September One

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thousand eight hundred and ninety-one and made between William Russell of the first part William Russell the Younger of the second part and William Beaumont John Docker and John Booth Jones of the third part and Registered Number 988 Book 469.

PART 2.

ALL THAT piece of land situated at Strathfield in the Parish of Concord and County of Cumberland containing one perch being the whole of the land comprised in Certificate of Title dated the Twenty-eighth day of October One thousand eight hundred and ninety-one Volume 1034 Folio 30.

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 Eighteenth day of December, 1939.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

20th December, 1939.