

APPENDIX No. 50.

5

ORDINANCE. BEXLEY AND ARNCLIFFE CHURCH
MORTGAGE.*(As Passed.)*

AN ORDINANCE to authorise the mortgaging of certain lands situate in Bexley and Arncliffe respectively in the County of Cumberland such land being more particularly described in the Schedules hereto and to provide for the application of the proceeds thereof.

WHEREAS one David Hannam was seised for an estate of inheritance in fee simple in possession of certain land comprised in the first Schedule hereto AND WHEREAS by Indenture of Conveyance bearing date the seventh day of December One thousand eight hundred and fifty-three made between the said David Hannam of the one part and Thomas Curtis John Chappelow and Francis Corr of the other part (trustees for the purposes hereinafter mentioned and hereinafter designated Trustees) for the consideration herein mentioned the said David Hannam did grant bargain sell release and confirm unto the said Trustees and their heirs ALL THAT piece or parcel of land therein described being the land described in the first Schedule hereto TO HAVE AND TO HOLD the said land and hereditaments with the appurtenances under the said Trustees and their heirs UPON TRUST that the Trustee or Trustees for the time being shall from time to time and at all times thereafter permit the said land and premises hereby released with the appurtenances to be used occupied and enjoyed as a School House for the education of children members of the Established Church of England And shall permit the Master for the time being to reside therein AND WHEREAS by Deed of Consent dated the twenty-eighth day of June One thousand nine hundred and eighteen Registered Number 616 Book 1131 The Bishop of Sydney vested the said land conveyed by the said David Hannam in the Church of England Property Trust Diocese of Sydney their successors and assigns AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the thirtieth day of August One thousand nine hundred and five Volume 1631 Folio 66 The Church of England Property Trust Diocese of Sydney are the registered pro-

prietors of the land described in the second Schedule hereto as Trustees of the Parishioners of Christ Church Bexley AND WHEREAS a building for Church purposes has been erected upon part of the land described in the first Schedule hereto but the said building and the land generally are no longer suitable for that purpose AND WHEREAS it has been considered desirable to erect dwelling houses on the land described in the first Schedule hereto and also to enlarge and remodel and generally make improvements in respect of the School Hall now erected on the land described in the second Schedule hereto AND WHEREAS for the purposes aforesaid it is necessary that moneys should be raised over the pieces of land in the Schedules hereto 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 it is expedient that any advance or advances of money not exceeding in the aggregate the sum of one thousand four hundred pounds should be obtained upon the security of the said land and buildings comprised in the Schedules hereto for the purposes aforesaid AND WHEREAS by reason of circumstances which have occurred since the creation of the aforesaid trusts it has become inexpedient to carry out or observe the particular purposes to which the said land described in the Schedules hereto are by the said trusts devoted the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Trust Property Act of 1917" or otherwise ordains directs and rules as follows:--

1. By reason of the exigencies of the case and the circumstances which have occurred since the creation of the said recited trusts it has become inexpedient to carry out or observe in their entirety the particular purpose or purposes to which the said land described in the Schedules hereto is by the said trust devoted.

2. That it is expedient to obtain from time to time an advance or advances of money not exceeding in the aggregate One thousand four hundred pounds on the security of the land comprised in the Schedules hereto and the buildings to be erected thereon.

3. That the said pieces of land described in the Schedules hereto 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.

4. That the amount or amounts so to be from time to time raised (after deducting thereout all expenses) shall be apportioned by the Trustees as follows:--

- (a) As to five-sevenths part of the nett proceeds the same shall be paid to the Rector and Churchwardens for the time being of the Church of St. David Arncliffe and shall be by them applied for the erection of dwelling houses upon the said land described in the first Schedule hereto.
- (b) As to two-sevenths part of the nett proceeds the same shall be paid to the Rector and Churchwardens for the time being of the Church of Christ Church Bexley and shall be by them applied for the enlargement and remodelling of the Hall upon the land described in the second Schedule hereto and generally making improvements in respect thereto.

5. That the said pieces of land 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 one thousand four hundred pounds with which to discharge or renew the Mortgage or Mortgages now authorised or any Mortgage or Mortgages substituted therefor and any interest accrued due in respect thereof.

6. The rents profit and income payable under or derivable from any lease or leases or use of the land in the Schedules hereto shall be held by the trustees for the time being of the said land after payment thereout of all necessary outgoings including rates taxes and insurance UPON TRUST in the first place to apply the same for or towards the payment of the Annual Registry Assessment and Synod expenses next in payment of the interest on the money borrowed next in setting aside the sum of four pounds per centum per annum on the original sum borrowed as a sinking fund and the surplus to such general Church purposes in connection with the said Parish as the Rector and a majority of the Churchwardens may determine.

7. This Ordinance shall be styled and cited as the "Bexley and Arncliffe Church Mortgaging Ordinance of 1918."

THE FIRST SCHEDULE.

All that piece or parcel of land containing half an acre (and being portion of the hundred acres granted by the Crown to the late Mr. Reuben Hannam and by him devised to the said David Hannam) situate in the County of Cumberland and Parish of Saint George commencing at a corner pin at the distance of eleven chains twenty links from the north-western corner of Mr. David Hannam's grant near the new line of road to Illawarra. And bounded on the south by land belonging to John Brown a

portion of Pike's grant and a line bearing west from aforesaid corner pin three chains thirty-four links. On the west by late Mr. Reuben Hannam's grant and a line bearing north one chain fifty links. On the north by said grant and a line bearing east three chains four links and on the east by a line bearing south one chain fifty links to the corner of commencement but now more accurately described as follows:—

All that piece or parcel of land containing an area of half an acre situate at Arncliffe in the Municipality of Rockdale Parish of St. George County of Cumberland and State of New South Wales being part of 100 acres originally granted to Reuben Hannam. Commencing at a point on the Western side of Edward Street being the South-eastern corner of lot 21 of Deposited Plan Number 4378 and bounded thence on the North by a fenced line being a Southern boundary of Deposited Plan Number 4378 bearing Westerly 220 feet three-quarters inches thence on the West by a fenced line being an Eastern boundary of Deposited Plan Number 4378 bearing Southerly 98 feet 7½ inches to a Right of Way thence on the South by the Northern side of said Right of Way bearing Easterly 157 feet 5 inches to Hirst Street as occupied thence on the South-west by a fenced line being the boundary of Hirst Street as occupied bearing North-easterly 70 feet 4 inches to Edward Street thence on the East by Edward Street bearing Northerly 66 feet 10 inches to the point of commencement together with a Right of Way over the land seven feet wide adjoining the Southern boundary.

THE SECOND SCHEDULE.

All that piece or parcel of land being allotment 21 of Section 2 as shown on deposited plan 1680 containing by admeasurement thirty-five and three quarters perches situate near Kogarah in the Municipality of Bexley Parish of Saint George and County of Cumberland being the whole of the land comprised in Certificate of Title dated the thirtieth day of August One thousand nine hundred and five Volume 1631 Folio 66.

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

E. W. MOLESWORTH,
Chairman of Committees.

We certify that this Ordinance was passed on 9th October, 1918.

E. CLAYDON } *Secretaries*
W. R. BEAVER } *of the Synod.*

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

15th October, 1918.