

St. Luke's Clovelly Mortgage, 1923.

5

AN ORDINANCE with regard to certain lands situated at the corner of Arden and Varma Streets Randwick in the Parish of Alexandria County of Cumberland held in connection with the Parish of St. Luke's Clovelly and to vary the trusts declared with regard to part thereof and to authorise the mortgage of the said lands and to provide for the application of the proceeds thereof and for other matters in connection therewith.

WHEREAS by Deed of Conveyance dated the thirtieth day of September One thousand nine hundred and twenty-one Registered Number 73 Book 1239 made between Sarah Cavanagh therein described of the one part and William Stone Holesgrove, Edwin George Smallwood Price, Eugene Lewis and Alfred John Brand King all therein described and thereafter referred to as Purchasers of the other part ALL THAT the land described in the First Schedule hereto was conveyed to the said Purchasers and the said Purchasers thereby declared that they held the said land UPON TRUST only that is to say to permit the same to be used for a Church Parsonage or Parish Hall or partly for one or partly for another of such purposes in connection with the Church of England in the Parish of Clovelly in the State of New South Wales AND WHEREAS by Deed of Consent dated the third day of July One thousand nine hundred and twenty-three Registered Number 246 Book 1308 the said Edwin George Smallwood Price, Eugene Lewis, Alfred John Brand King and Peter Slader Tapp the surviving and continuing Trustees of the land comprised in the hereinbefore recited Deed of Conveyance consented that the aforesaid land should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney subject to the aforesaid trusts AND WHEREAS by Certificate of Title under the provisions of the Real Property Act 1900 dated the twenty-fifth day of November One thousand eight hundred and ninety-two Registered Volume 1078 Folio 97 the Church of England Property Trust Diocese of Sydney hereinafter designated the said Trust is the registered proprietor of the whole land in such Certificate being the land described in the Second Schedule hereto AND WHEREAS by Declaration of Trust dated

St. Luke's Clovelly Mortgage, 1923.

the seventh day of August One thousand nine hundred and twenty-three The Church of England Property Trust Diocese of Sydney declared that it would stand seised of interested in and registered as the proprietor of the land in the Second Schedule hereto UPON TRUST to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Clovelly in the State of New South Wales AND WHEREAS for better enabling the said land described in the First Schedule hereto to be used for Church purposes as required it has become expedient to vary the trusts contained in the hereinbefore recited Deed of Conveyance AND WHEREAS it is considered advisable to erect a new Church at Clovelly upon part of the land described in the First and Second Schedules hereto and that in order to pay for the same it is expedient that an advance or advances of money not exceeding in the aggregate the sum of Two thousand five hundred pounds (£2500) should be obtained upon the security of the said land or part thereof for the purposes aforesaid AND WHEREAS by the Church of England Trust Property Act 1917 it was enacted that during the recess of the Synod a Committee Council or other body of persons (if any) as should from time to time be constituted or appointed for the purposes by or under Ordinance of the Synod might in place of such Synod exercise such of the powers and functions referred to in the said Act as should from time to time be determined by Ordinance of the Synod AND WHEREAS by an Ordinance of the Synod passed in the year One thousand nine hundred and eighteen the Standing Committee of the Synod was appointed for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions referred to in Sections 26 to 31 inclusive constituting part six of the said Act AND WHEREAS by Ordinance of the Synod passed in the year One thousand nine hundred and twenty-one the said Ordinance passed in the year One thousand nine hundred and eighteen was amended to include Section 32 constituting part seven of the said Act. 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 said Act and Ordinances and in pursuance of the powers vested in the said Synod by the

St. Luke's Clovelly Mortgage, 1923.

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 trusts as set out in the hereinbefore recited Deed of Conveyance it has become inexpedient to observe such trusts with regard to the land described in the First Schedule hereto.

2. It is hereby declared that the land described in the First Schedule hereto shall be held UPON TRUST to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Clovelly in the State of New South Wales.

3. By reason of circumstances subsequent to the creation of the said recited trusts it has become expedient to obtain from time to time an advance or advances of money not exceeding in the aggregate Two thousand five hundred pounds (£2500) on the security of the whole of the land comprised in the First and Second Schedules hereto and the buildings erected and to be erected thereon.

4. The said land described in the First and Second Schedules hereto or any part thereof 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.

5. The amount or amounts so to be from time to time obtained (after deducting thereout all expenses) shall be paid by the Trust to the Church Wardens for the time being of the Church of St. Luke's Clovelly whose receipt shall be a sufficient discharge and shall be by them applied for or towards the payment of the costs of the erection of a new Church on the said land for the Parish of Clovelly and of furniture and fittings therefor.

6. That the said land or any part thereof may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding in the aggregate Two thousand five

St. Luke's Clovelly Mortgage, 1923.

hundred pounds (£2500) with which to discharge the mortgage or mortgages now authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof and any costs and expenses incurred in connection therewith. Provided that after the expiration of Ten years from the passing of this Ordinance no mortgage given under the authority of this section shall be valid for a larger sum than Two thousand pounds (£2000) and thereafter the principal sum shall be reduced at the rate of not less than Seventy-five pounds (£75) per year.

7. This Ordinance shall be styled and cited as "St. Luke's Church Clovelly Mortgaging Ordinance of 1923."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land containing eighteen and one-half perches or thereabouts being Allotment Number one of Section B of a Subdivision known as The Melrose Estate situate in the Parish of Alexandria County of Cumberland and State of New South Wales Commencing at a point being the intersection of the South side of Varna Street with the West side of Arden Street and bounded thence on the North by the South side of Varna Street aforesaid bearing North eighty-nine degrees and three minutes West one hundred and twenty feet on the West by a line being part of the East boundary of Allotment Number seven Section B bearing South fifty-two minutes West forty-two feet one and three quarter inches on the South by a line being the North boundary of Allotment two of Section B bearing South eighty-nine degrees and eight minutes East one hundred and twenty feet to Arden Street and on the East by the West side of Arden Street bearing North fifty-two minutes East forty-two feet to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

All that piece of land situated at Randwick in the Parish of Alexandria County of Cumberland containing seventeen and three-quarter perches or thereabouts being Lot seven on a plan

St. Luke's Clovelly Mortgage, 1923.

deposited at the Land Titles Office Sydney and numbered 2214 and being the whole of the land comprised in Certificate of Title Registered Volume 1078 Folio 97.

Ordinance considered in Committee and passed without amendment.

A. J. GOULD,
Chairman of Committee.

14th August, 1923.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this fourteenth day of August, 1923.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY

14th August, 1923.