
St. Oswald's (Haberfield) Mortgaging 1928.

No. 2. 1928.

AN ORDINANCE authorising the mortgaging of certain lands situated at Haberfield in the Municipality of Ashfield Parish of Concord County of Cumberland and State of New South Wales and being more particularly described in the first and second schedules hereto and to provide for the application of the proceeds thereof.

WHEREAS Walter Newmarch of Haberfield near Sydney in the State of New South Wales Clerk in Holy Orders being then the registered proprietor in fee simple under the provisions of the Real Property Act 1900 of the land comprised in Certificate of Title Volume 2058 Folio 11 being the land described in the first schedule hereto subject to the covenants and conditions contained in instrument of transfer number 562350 by Declaration of Trust dated the twenty-second day of April One thousand nine hundred and twenty-five declared that he or his heirs executors administrators and assigns should at all times thereafter stand seized of and interested in the said lands upon trust for the sole benefit and use of the Parish of St. Oswald's Church of England at Haberfield to permit the same to be used as a parsonage for the occupation of the Minister duly licensed to officiate in the Church of England at Haberfield known as "St. Oswald's Church" so long as the same should be required for such purpose and thereafter for the sole benefit and use of the said Parish AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) is now the registered proprietor of the land comprised in the said Certificate of Title AND WHEREAS the said Trust is the registered proprietor in fee simple under the provisions of the said Act of the land comprised in Certificate of Title Registered Volume 4045 Folio 84 being the land described in the second schedule hereto subject to the covenants contained in instruments of transfers numbers 437242 and 471535 AND WHEREAS by Declaration of Trust dated the twenty-first day of July One thousand nine hundred and twenty-four relating to certain land being part of the land comprised in the last mentioned Certificate of Title the said Trust declared that it and its assigns should stand seized of and interested in and

registered as the proprietor of the land therein referred to 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 Haberfeld. AND WHEREAS by Declaration of Trust dated the ninth day of September One thousand nine hundred and twenty-seven relating to certain other land being the remainder of the land comprised in the last mentioned Certificate of Title the said Trust declared that it and its assigns should stand seized of interested in and registered as the proprietor of the land therein referred to 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 St. Oswald's Haberfeld. AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid Trusts it is expedient to mortgage the lands described in the first and second schedules hereto for the purpose of erecting a new Church on the land described in the second schedule hereto. 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 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 said recited trusts it is expedient that the lands described in the first and second schedules hereto or any part or parts thereof should be mortgaged from time to time in the manner and for the purposes hereinafter appearing.

2. That the said lands or any part or parts thereof may be mortgaged from time to time to secure the repayment of a sum or sums not exceeding in the whole the principal sum of five thousand pounds (£5000) together with interest thereon. Provided that after the expiration of three years from the thirty-first day of March One thousand nine hundred and twenty-eight no

mortgage given under the authority of this Ordinance shall be a valid security for a greater amount than a sum which together with the principal sum or sums for the time being secured by any other mortgage or mortgages given under such authority is equal to the sum of four thousand five hundred pounds (£4500) and the aggregate amount for which such mortgage or mortgages shall be a valid security shall be reduced by the sum of two hundred pounds (£200) at the expiration of each successive year after the year One thousand nine hundred and thirty Provided further however that in addition to the said principal sum or sums such mortgage or mortgages shall be a valid security for any quarterly or half-yearly interest thereby secured and for the time being not three months in arrears.

3. That the proceeds of such mortgage or mortgages (after deducting thereout the costs of and incidental to this Ordinance and of the mortgage or mortgages executed in pursuance of the powers hereby conferred) shall be paid by the said Trust to the Churchwardens for the time being of the Church of St. Oswald Parish of Haberfield (whose receipt shall be a sufficient discharge thereof) and shall be by such Churchwardens applied in or towards the erection of a new church on portion of the land comprised in the second schedule hereto.

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

5. This Ordinance may be cited as "St. Oswald's (Haberfield) Mortgage Ordinance 1928."

THE FIRST SCHEDULE.

All that piece of land situated at Haberfield in the Municipality of Ashfield Parish of Concord and County of Cumberland containing twenty-four and one-half perches or thereabouts being part of Lots 292 and 293 on a plan deposited in the Land Titles Office Sydney No. 4354 and being the whole of the land comprised in Certificate of Title dated the nineteenth day of May

One thousand nine hundred and ten Registered Volume 2058
Folio 11.

THE SECOND SCHEDULE.

All that piece of land situated at Haberfield in the Municipality of Ashfield Parish of Concord and County of Cumberland containing one rood fourteen and one-half perches or thereabouts being part of Lots 255, 256 and 257 in Deposited Plan No. 4354 and being the whole of the land comprised in Certificate of Title dated the twenty-ninth day of August One thousand nine hundred and twenty-seven Registered Volume 4045 Folio 84.

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 thirtieth day of January, 1928.

C. R. WALSH,
Secretary.

I assent to this Ordinance,

JOHN CHARLES SYDNEY,
Archbishop of Sydney.

2nd February, 1928.