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*St. Paul's Burwood Mortgaging Ordinance 1953*

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No. 32, 1953

AN ORDINANCE authorising the mortgaging of certain lands situate at Burwood Road, Burwood, County of Cumberland, Parish of Concord, and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter referred to as "The Corporate Trustees") by Indenture of Conveyance dated 27th October, 1939, made between Ethel Mary Williamson and Percy Hayes Williamson of the one part and the Church of England Property Trust Diocese of Sydney of the other part Registered Number 149 Book 1858, is registered as owner in fee simple of the land described in the Schedule hereto AND WHEREAS the Corporate Trustees hold the said land 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. Paul at Burwood AND WHEREAS it is desired to erect a Parish Hall for the Church of St. Paul at Burwood and to defray the cost thereof AND WHEREAS for such purposes it is considered desirable and expedient to raise the sum of £10,000 by mortgage over the said land AND WHEREAS by reason of the circumstances subsequent to the creation of the trusts hereinbefore mentioned it is expedient to mortgage the said land 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 trusts of the said land it is expedient to mortgage the same.
2. (i) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the sums following:—

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- (a) Where the power is first exercised a sum not exceeding £10,000.
- (b) When the power is subsequently exercised such sum not exceeding £10,000 as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than £400 per annum as from 1st July 1954 but no mortgagee advancing money in pursuance of this Ordinance shall be concerned or obliged to see that this proviso has been complied with.
- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be certified by the Archbishop or Registrar 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 mortgage be conclusive evidence that such resolution was duly passed.

3. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustees as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance and the payment thereof of all outgoings properly chargeable against the said land.
- (b) In payment of the balance to the Rector and Churchwardens for the time being of the said Parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in or towards payment of the cost of and incidental to the erection of a Parish Hall for St. Paul's Church at Burwood.

4. The Rector and Churchwardens for the time being of St. Paul's Church Burwood 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 the balance owing.

5. This Ordinance may be styled and cited as "St. Paul's Burwood Mortgaging Ordinance 1953."

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THE SCHEDULE REFERRED TO.

All that piece or parcel of land being part Lot 4 and Lot 4A of Section G of the Cheltenham Estate situate at Burwood in the Parish of Concord County of Cumberland Colony of New South Wales commencing at a point on the western building line of the Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes and distant two hundred and forty-one feet from its intersection with the Southern building line of Want Street (now Woodside Avenue) and bounded thence on the East by the Burwood Road bearing one hundred and seventy-nine degrees forty-nine minutes one hundred and thirty six feet six inches on the South by a line bearing two hundred and sixty-nine degrees thirty-five minutes one hundred and eighty-one feet six inches on the West by a line bearing twenty-seven minutes one hundred and thirty-four feet and one half inch and on the North by a line bearing eighty-eight degrees forty-seven minutes one hundred and eight feet three inches to the point of commencement and containing by admeasurement two roods nine and eight tenth perches.

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

W. G. HILLIARD, Bishop,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the first day of December, 1953.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

3/12/1953