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*St. Thomas' Enfield Mortgage and Lease Ordinance 1957.*

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No. 25, 1957

AN ORDINANCE to authorise the mortgaging and leasing of certain lands in Coronation Parade, Enfield, and to provide for the application of the proceeds thereof.

WHEREAS Albert Allen and John Christopher Hickson are registered as proprietors of the lands comprised in Certificate of Title Registered Volume 590 Folio 36 more particularly described in the First Schedule hereto.

AND WHEREAS by Declaration of Trust dated the 16th April 1896 the said Albert Allen and John Christopher Hickson declared that they stood seised possessed of and interested in the said land as Trustees only upon the trusts for the purposes and with the powers thereafter set out namely to permit and allow the said property to be held used and enjoyed free of rent as a parsonage or residence by the Incumbent or Senior Minister for the time being of and officiating at the Church of England at Enfield known as St. Thomas.

AND WHEREAS it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee).

AND WHEREAS the land has been subdivided into two allotments X and Y more particularly described in the second and third Schedules hereto respectively.

AND WHEREAS the present Rectory of St. Thomas Enfield is erected on the land described in the second Schedule and it is proposed to erect a new Rectory on the land described in the third Schedule and to let or lease the said old Rectory.

AND WHEREAS it is necessary to borrow a sum not exceeding Four thousand five hundred pounds (£4500) upon the security of the land described in the said third schedule for the purpose of erecting the said Rectory.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and directs as follows:—

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1. That the land described in the First Schedule hereto be and the same is hereby vested in the Corporate Trustee upon and subject to the trusts upon which the same is now held.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land is held it is expedient to mortgage the land described in the Third Schedule hereto:—

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the said Third Schedule for the purpose of borrowing the sums following:—
- (a) When the power is first exercised a sum not exceeding Four thousand five hundred pounds (£4500).
  - (b) When the power is subsequently exercised such sum not exceeding Four thousand five hundred pounds (£4500) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than Five hundred pounds (£500) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by Resolution determine Provided further that no person or corporation advancing moneys under this Ordinance shall be concerned to enquire whether such reductions shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be signed by the Archbishop or the Secretary of the Standing Committee of the said Diocese as a copy of any such Resolution shall in favour of a mortgage 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 Trustee as follows:—

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- (a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage executed in pursuance thereof.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of St. Thomas' Church Enfield who shall apply such moneys in or towards the erection of a Rectory on the land described in the said Third Schedule.
- (c) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or mortgages.

4. The Churchwardens for the time being of the Church of St. Thomas Enfield shall within seven days of the holding of the Annual Vestry Meeting of such Church during such time as any money is owing to any mortgagee pursuant to this Ordinance, cause an account to be furnished to the Secretary of the Standing Committee giving details of the amount borrowed, the amounts paid off and the balance owing.

5. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is inexpedient to carry out and observe the said trusts to the extent to which they may be varied by any lease of the said land and it is expedient that the said land be leased.

- (i) The Corporate Trustee is hereby empowered to lease from time to time the land described in the said Second Schedule together with the buildings thereon for such terms at such rental and upon such conditions as the Churchwardens of St. Thomas Enfield may determine and for such purposes as Standing Committee may approve.
- (ii) The Corporate Trustee is also hereby empowered to accept a surrender of any lease existing from time to time upon such terms and conditions as the said Churchwardens may determine.

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(iii) The rents and profits derived from any such lease or leases shall be paid to the Churchwardens for the time being of St. Thomas' Church Enfield and applied by them for general Church purposes.

6. This Ordinance may be cited as "St. Thomas Enfield Mortgage and Lease Ordinance 1957."

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FIRST SCHEDULE.

All that piece or parcel of land situated in the Parish of Concord County of Cumberland containing 3 roods 23½ perches having a frontage of 200' to Coronation Parade (formerly Redmyre Road) by depth along Hills Road of 196' 3" being the whole of the land comprised in Certificate of Title Volume 590 Folio 36.

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SECOND SCHEDULE.

All that piece or parcel of land situated as aforesaid containing 2 roods 20½ perches having a frontage of 140' to Coronation Parade by depth of 196' 3" along Hill Street being Lot X on Miscellaneous Plan of Subdivision (R.P.) Registered No. 99912.

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THIRD SCHEDULE.

All that piece or parcel of land situated as aforesaid containing 1 rood 3 perches having a frontage of 60' to Coronation Parade by depth of 196' 3" being Lot Y on Miscellaneous Plan of Subdivision (R.P.) Registered No. 99912.

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

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 twenty-sixth day of August, 1957.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

26/8/1957                      HOWARD SYDNEY,  
Archbishop of Sydney.