

No. 10, 1953.

AN ORDINANCE to authorise the mortgaging of certain lands situated at North Sydney in the Parish of Willoughby County of Cumberland and to provide for the application of the proceeds arising therefrom.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is seised of an estate in fee simple of the lands described in Schedules 1, 2 and 3 hereto and is registered as Proprietor in fee simple of the land described in Schedule 4 hereto. AND WHEREAS for ninety three years and upwards the land described in Schedule 5 has been in the continuous undisturbed possession of the said Corporate Trustee or its predecessors AND WHEREAS by clause two of the "St. Thomas' North Sydney Trust Property Ordinance of 1919" it was declared, inter alia, that the lands described in Schedules thereto (other than Schedules 1 and 3 to such Ordinance) should thenceforth be held in trust as sites for a Parish Hall and residence for the Minister and Assistant Minister and for such other purposes in connection with the Parish of St. Thomas as the Synod should from time to time determine AND WHEREAS the Schedules 1 to 5 hereto comprise portion of the said lands referred to in the said recited Ordinance held upon the said trusts as aforesaid and are church trust property AND WHEREAS there is now erected upon the land described in Schedules 1 and 5 a Parish Hall and upon the land described in Schedules 2 and 3 a new Parish Hall and a Minister's Residence and upon the land described in Schedule 4 an Assistant Minister's Residence all used in connection with the said parish AND WHEREAS there is now owing to the Commonwealth Bank of Australia the sum of £1,770 principal under a mortgage over the whole of the said lands AND WHEREAS it is expedient and necessary to mortgage further the said lands for the purpose of effecting substantial repairs to the Church and Rectory and to provide for the purchase of an adjoining property known as No. 1 Cunningham Street North Sydney to be used as a Verger's residence in connection with the said Parish AND WHEREAS by circumstances subsequent to the creation of the said Trusts it has become inexpedient to carry out or observe the same in their entirety and it is expedient

to vary such trusts in manner hereinafter set out 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 said recited trusts it is expedient to mortgage the land described and comprised in Schedules 1 to 5 hereto:—

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedules hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding £4,770. Provided that such debt shall be reduced at the rate of not less than £300 per annum.

(b) When the power is subsequently exercised such sum not exceeding £4,770 and as to such conditions of repayment as the Standing Committee shall by resolution determine.

(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 Diocesan Secretary 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.

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

(a) In payment of the costs charges and expenses of and incidental to this Ordinance and of such mortgage or any mortgages executed in pursuance thereof.

(b) In discharging the mortgage now subsisting on the said lands and of the costs charges and expenses in connection therewith.

- (c) Subject to the aforesaid payments the balance shall be paid to the 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 the repairs to the Church and Rectory and in or towards the acquisition of the property known as No. 1 Cunningham Street North Sydney to be used as a verger's residence in connection with such Church.

3. The Churchwardens for the time being of the Church of St. Thomas' North Sydney 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, the amounts paid off and the balance owing.

4. This Ordinance shall be styled and cited as the "St. Thomas' North Sydney Mortgaging Ordinance 1953."

SCHEDULE ONE.

All that piece of land being Lot 1 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the northern building line of McLaren Street bearing easterly and distant twenty five feet from the intersection of the northern building line of McLaren Street with the north-eastern building line of Church Street and bounded thence on the south by part of the northern building line of McLaren Street bearing easterly for thirty four feet four inches thence on the east by part of the western boundary of Lot 2 being a line bearing northerly for one hundred and sixty seven feet two and a quarter inches thence on the north by the southern boundary of Lot 20 being a line bearing westerly for one hundred and thirty seven feet eleven and one quarter inches and thence on the south west by a line bearing south-easterly for one hundred and ninety seven feet three and three quarter inches to the point of commencement.

SCHEDULE TWO.

All that piece or parcel of land being Lot 2 of Section No. 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales commencing on the northern side of McLaren Street at the south western corner of allotment three and bounded thence on the south by that street westerly sixty six feet on the west by the eastern boundary line of allotments one and twenty being in all a line northerly at right angles to McLaren Street three hundred and thirty four feet four and a half inches on the north by the southern boundary of allotment fifteen easterly parallel with McLaren Street sixty six feet and on the east by the western boundary line of allotment three aforesaid southerly at right angles to McLaren Street three hundred and thirty four feet four and a half inches to the point of commencement.

SCHEDULE THREE.

All that piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the northern building line of McLaren Street being the south western corner of land comprised in Certificate of Title Vol. 1582, Folio 182, and bounded thence on the south by part of the northern boundary of McLaren Street being a line bearing westerly for forty one feet thence on the west by the Eastern boundary of Lot two being a line bearing northerly for three hundred and thirty four feet four and a half inches thence on the north by a fenced line bearing easterly for forty six feet six inches and thence on the east by the western boundary of land comprised in Certificate of Title Vol. 1582, Folio 182, being a line bearing southerly for three hundred and thirty four feet seven inches to the point of commencement.

SCHEDULE FOUR.

All that piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales commencing on the northern building line of McLaren Street at the south western corner of land of W. A. Hagon and bounded thence on the south by that building line bearing westerly twenty five feet to other land of The Church of England Property Trust Diocese of Sydney on the west by that land bearing northerly three hundred and thirty four feet seven inches to land of Dr. J. C. Shand on the north by part of that land being a fenced line bearing easterly nineteen feet six inches to W. A. Hagon's land aforesaid and on the east by part of that land being lines bearing southerly sixty-six feet five inches and four hundred and sixty eight feet four inches to the point of commencement and being the land comprised and described in Certificate of Title Registered Volume 1582 Folio 182.

SCHEDULE FIVE.

All that piece of land situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales commencing at the intersection of the northern building line of Church Street and bounded thence on the south west by part of the north eastern building line of Church Street bearing north westerly for one hundred and ninety eight feet one inch thence on the north by the prolongation of the southern boundary of Lot 20 being a line bearing easterly for twenty six feet four and a half inches thence on the north east by the south western boundary of Lot 1 being a line bearing south easterly for one hundred and ninety seven feet three and three quarter inches and thence on the south by part of the northern building line of McLaren Street bearing westerly for twenty five feet to the point of commencement.

St. Thomas' North Sydney Mortgaging Ordinance 1953.

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

ARTHUR L. WADE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 27th day of April, 1953.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

30/4/1953.