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*St. John's Church Gordon Mortgaging Ordinance 1935.*

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No. 6, 1935.

AN ORDINANCE authorising the mortgaging of certain lands situate in Gordon Road now Pacific Highway Gordon in the County of Cumberland such land being more particularly described in the First Second and Third Schedules hereto and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title dated the Eighth day of September 1932 Registered Volume 4544 Folio 174 the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the "Corporate Trustees") is the registered proprietor in fee simple of the land therein and in the first schedule herein described Upon Trust for a Church of England Parsonage AND WHEREAS a building for parsonage purposes has been erected upon the said land AND WHEREAS by Certificate of Title dated the Eighth day of September 1932 Registered Volume 4544 Folio 175 the Corporate Trustees are the registered proprietors in fee simple of the land therein and in the second schedule herein described Upon Trust for a Church of England School AND WHEREAS a School house for the purpose of the Church of England in the said parish has been erected upon the said land AND WHEREAS the land comprised in the said Certificates of Title Registered Volume 4544 Folios 174 and 175 are subject to a mortgage to the Australian Mutual Provident Society executed in pursuance of St. John's Gordon Mortgaging Ordinance of 1923 and there now remains owing upon the security of the said mortgage the sum of £1300 or thereabouts AND WHEREAS by Certificate of Title dated the Eighth day of September 1932 Registered Volume 4544 Folio 176 the Corporate Trustees are the registered proprietors in fee simple of the land therein and in the third schedule herein described Upon Trust for a Church of England Church AND WHEREAS a Church of England Church has been erected upon the said land. AND WHEREAS all the hereinbefore mentioned parcels of land lie within the boundaries of the Parish of Gordon at Gordon aforesaid AND WHEREAS certain debts are owing by the said Parish of Gordon namely the sum of £1300 advanced by the Bank of New South Wales upon the guarantee of several Parishioners the sum of £150 being the balance of the amount borrowed from the Church Buildings Loan Fund and the sum of £300 borrowed from various Parishioners which several sums were borrowed for the purpose of

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erecting the present church building and the sum of approximately £100 advanced by the Bank of New South Wales for the purpose of acquiring an organ for the said church AND WHEREAS it is expedient to extend and/or enlarge the present Parish Church at Gordon erected upon the land comprised in the lastly hereinbefore recited Certificate of Title registered Volume 4544 Folio 176 AND WHEREAS in order to discharge such debts and to pay for the extensions to the said Church it is necessary that money should be raised on the security of the lands described in the first second and third Schedules hereto and the buildings erected thereon to secure the repayment of any money so borrowed as aforesaid with interest thereon AND WHEREAS it is expedient that an advance or advances of money not exceeding in the aggregate the sum of four thousand pounds should be obtained upon the security of the said lands and buildings comprised in the first second and third Schedules hereto for the purpose aforesaid 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 second and third schedules hereto 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 upon which the lands and the buildings erected thereon comprised in the first second and third schedules are held 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 lands for the purpose of borrowing the sums following:—

- (a) When the power is first exercised a sum not exceeding four thousand pounds.
- (b) When the power is subsequently exercised such sum not exceeding three thousand seven hundred pounds or such other sum as the Standing Committee shall by resolution determine but pending such Resolution such debt shall be reduced at the rate of not less than £100 per annum as from the first day of May 1936.

(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

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resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgagee 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.
- (b) In payment to the Australian Mutual Provident Society of all monies (including costs of discharge of mortgage) owing to it in respect of the mortgage over the lands comprised in the first and second schedules hereto.
- (c) In payment of the debts due to the Bank of New South Wales the Church Loan Fund and various Parishioners approximately £1850.
- (d) In payment of the balance to the Rector and Churchwardens for the time being of the said Parish of Gordon (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in or towards extending and/or enlarging the present Parish Church at Gordon erected upon the said land in the third schedule hereto.

4. The Rector and Churchwardens for the time being of St. John's Church, Gordon, 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 shall be styled and cited as "St. John's Church Gordon Mortgaging Ordinance 1935."

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FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumber-

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land containing 1 rood 34½ perches and being the whole of the land comprised in Certificate of Title Volume 4544 Folio 174.

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SECOND SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland containing 1 rood 35½ perches and being the whole of the land comprised in Certificate of Title Volume 4544 Folio 175.

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THIRD SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Gordon in the Municipality of Ku-ring-gai Parish of Gordon County of Cumberland containing 3 roods 29½ perches and being the whole of the land comprised in Certificate of Title Volume 4544 Folio 176.

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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 twenty-ninth day of April 1935.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

29th April, 1935.