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*St. Paul's West Manly Mortgage Ordinance 1954.*

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No. 41, 1954.

AN ORDINANCE to authorise the mortgaging of certain lands situated in the Parish of St. Paul West Manly County of Cumberland and to provide for an application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Corporate Trustees) is the Registered Proprietor of an Estate in fee simple of and in the land comprised in Certificate of Title Volume 5123 Folio 58 more particularly firstly described in the Schedule hereto which land is Church Trust Property held for the sole benefit of the Parish of St. Paul West Manly but no trusts in writing have been declared in respect thereof AND WHEREAS by Indenture of Conveyance made the second day of September 1872 between Peter Ellery of Middle Harbour of the one part and Joseph Cook William Howard Rolfe and John Baker Smithers (therein referred to as Trustees) of the other part Registered No. 982 Book 131 the land more particularly secondly described in the Schedule hereto was conveyed to the said Trustees upon trust to permit the same to be used for the erection and maintenance upon the said land of a Church for the celebration of public worship according to the use of the Church of England as established by law AND WHEREAS it is expedient to vest the said land in the said Corporate Trustee AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to vary the same and mortgage the said land in manner hereinafter appearing for the purpose of erecting a Rectory on part thereof.

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. That the land secondly described in the Schedule hereto be and the same is hereby vested in the Corporate Trustees.

2. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same to the

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extent to which they are hereby modified and the said land shall henceforth be held upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one or partly for another or others of such purposes in connection with the Church of England in the Parish of St. Paul West Manly.

3. (a) By reason of circumstances subsequent to the creation of the said trusts it is expedient to mortgage the said land and the Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedule hereto for the purpose of borrowing:—

(i) When the power is first exercised a sum not exceeding Five thousand pounds (£5,000);

(ii) When the power is subsequently exercised such sum not exceeding Five thousand pounds (£5,000) as the Standing Committee shall by resolution determine.

Provided that the amount borrowed shall be reduced at the rate of not less than £400 per annum as from the date of such borrowing.

(b) Any renewal of mortgage shall be deemed to be a subsequent exercise of the said power.

(c) A document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be deemed to be conclusive evidence that such Resolution was duly passed.

4. The proceeds of any mortgage hereby authorised shall be applied by or pursuant to the directions of 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.

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- (b) The balance shall be paid to the Churchwardens for the time being of the said Church of St. Paul's West Manly whose receipt shall be a sufficient discharge therefor and who shall apply in payment of the cost of and incidental to erecting a Rectory as aforesaid.

5. The Rector and Churchwardens for the time being of the Church of St. Paul's Parish of West Manly 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.

6. This Ordinance may be cited as "The St. Paul's West Manly Mortgage Ordinance 1954."

THE SCHEDULE HEREINBEFORE REFERRED TO.

Firstly, all that piece or parcel of land containing one rood thirty-five and one-quarter perches more or less situated at Seaforth. Municipality of Manly Parish of Manly Cove County of Cumberland being the whole of the land comprised in Certificate of Title Volume 5123 Folio 58.

Secondly all that piece or parcel of land situated at Seaforth Parish of Manly Cove County of Cumberland and be the hereinafter mentioned dimensions all more or less and being portion of thirty acres granted to John Burton at Middle Harbour commencing on the western side of a Government Road running along part of the eastern boundary of the said thirty acres at a point two chains twenty-five links north from the north west corner of thirty acres granted to John Fisher and bounded on the east by aforesaid Government Road bearing north two chains on the north by a line bearing west two chains on the west by a line bearing south two chains and on the south by a line bearing east two chains to the point of commencement and containing by admeasurement one rood and twenty-four perches and being the land more particularly described in Conveyance dated the 2nd September 1872 between Peter Ellery of Middle Harbour of the one part and Joseph Cook William Howard Rolfe and John Baker Smithers of the other part Registered Number 982 Book 131.

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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 this first day of November, 1954.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance,

HOWARD SYDNEY,  
Archbishop of Sydney.

3/11/1954.