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*Matrville with Phillip Bay Declaration of Trust and  
Mortgage Ordinance 1965*

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No. 1, 1965.

AN ORDINANCE to declare the trusts in respect of certain land at Phillip Bay in the Municipality of Randwick to authorise the mortgaging of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as Proprietor in fee simple in the land comprised in Crown Grant Volume 6528 Folio 175 more particularly described in the Schedule hereto AND WHEREAS the said land was originally acquired by the Home Mission Society of the Diocese of Sydney when the area in which it was situated was known as a Mission District but no trusts in writing have been declared concerning the same AND WHEREAS the land is now situated in the Provisional District of Matrville with Phillip Bay and it is expedient that the trusts of the land be now declared AND WHEREAS it is proposed to erect a Minister's Residence upon the said land and for such purpose it is necessary and expedient that the land be mortgaged for a sum not exceeding Five thousand pounds (£5,000) to be applied towards the costs thereof NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND RULES as follows:-

1. The land described in the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used as a Church Parsonage and Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia at Phillip Bay in the Provisional District of Matrville with Phillip Bay or any Provisional Parish or Parish into which it may subsequently be formed.

2. (i) The Corporate Trustee is hereby empowered to mortgage the said land:-

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

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

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PROVIDED that the debt shall be reduced when the power is first exercised at the rate of not less than Five hundred pounds (£500) per annum including interest and thereafter at such rate as Standing Committee may by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys pursuant to 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) Any 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.

3. The proceeds of the mortgage hereby authorised shall after paying the costs of and incidental to this Ordinance and to the mortgage executed in pursuance thereof be applied by the Churchwardens of St. Andrew's Church Phillip Bay towards the erection of a Minister's Residence and towards the cost of furnishing thereof on the said land.

4. The Churchwardens of the said Church shall within seven days of the holding of 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.

5. This Ordinance may be cited as "Matraville with Phillip Bay Declaration of Trust and Mortgage Ordinance 1965."

#### SCHEDULE

ALL THAT piece or parcel of land situated in the Municipality of Randwick Parish of Botany County of Cumberland containing 20½ perches having a frontage of 44' to Yarra Road by a depth of 165' being Portion No. 3345 of the said Parish and the whole of the land comprised in Crown Grant Volume 6528 Folio 175.

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 22nd day of February, 1965.

R. K. JONES,  
Acting Secretary.

I assent to this Ordinance.

22/2/1965.

HUGH SYDNEY,  
Archbishop of Sydney.

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