

No. 39, 1953.

AN ORDINANCE to authorise the mortgaging of certain land situated at Jannali in the Shire and Parish of Sutherland County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple of the land comprised in Certificate of Title Registered Volume 6446 Folio 109 more particularly described in the Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of St. John the Baptist Sutherland but no trusts in writing have been declared concerning the same AND WHEREAS it is necessary and expedient to mortgage the said land for the purpose of erecting thereon a Church Hall to be known as St. Clement's Jannali 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 trusts it is expedient to mortgage the land comprised in the Schedule 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 Schedule hereto for the purpose of borrowing the sums following:—
  - (a) When the power is first exercised a sum not exceeding Eight hundred pounds (£800).
  - (b) When the power is subsequently exercised such sum not exceeding Eight hundred pounds (£800) as the Standing Committee shall by resolution determine PROVIDED that such debt shall be reduced at the rate of not less than One hundred pounds (£100) per annum when the power is first exercised and thereafter at such rate as the Standing Committee may by resolution determine PROVIDED that no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or require to see that this proviso has been complied with.

- (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 such mortgage or any mortgages executed in pursuance of this Ordinance.
- (b) Subject thereto the balance shall be paid to the Rector and Churchwardens for the time being of the St. John the Baptist Church Sutherland (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the cost of and incidental to the building and erection of a Church Hall on the said land.

3. THE Churchwardens for the time being of the Church of St. John the Baptist Sutherland 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. John the Baptist Sutherland Mortgaging Ordinance 1953."

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THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land having a frontage of 66' to Box Road Jannali in the Shire and Parish of Sutherland County of Cumberland by depth along Roberts Street of 132' being Lot 47 of Section H Deposited Plan No. 3711 and being the whole of the land in Certificate of Title Registered Volume 6446 Folio 10%.

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*St. John the Baptist Sutherland Mortgaging Ordinance, 1953.*

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

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 23rd day of December, 1953.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

23/12/1953.