

No. 4, 1946.

AN ORDINANCE to declare the trusts of certain land situated at Mt. Colah in the County of Cumberland Parish of South Colah and State of New South Wales and to authorise the mortgaging thereof and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustees) is or is entitled to be registered under the Real Property Act 1900 as the proprietor of an Estate in fee simple of the land described in the Schedule hereto. AND WHEREAS the said land was acquired by the Parish of St. Peter's Hornsby and it is expedient to declare the trusts upon which the said lands are held by the Corporate Trustees. AND WHEREAS by reason of circumstances subsequent to the creation of the trusts it is expedient to mortgage the said lands. 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. The lands described in the Schedule hereto shall be held upon Trust to permit the same to be used for a Church Rectory or Parish Hall or partly for one and partly for another or other of such purposes in connection with the Church of England in the Parish of St. Peter's Hornsby at Mt. Colah.

2. By reason of circumstances subsequent to the creation of the said recited Trusts it is expedient to mortgage the land comprised in the Schedule hereto.

(i) 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 the sums following:—

(a) When the power is first exercised a sum not exceeding Three hundred pounds (£300).

(b) When the power is subsequently exercised such sum as the Standing Committee shall by Resolution determine provided that such debt shall be reduced

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at the rate of not less than Fifty Pounds (£50) per annum to be calculated from the date of the original advance.

- (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 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) Subject thereto the balance shall be paid to the Rector and Churchwardens for the time being of the Parish of St. Peter's Hornsby (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 erection on the said land of a new Church Hall.

4. The Rector and Church Wardens for the time being of St. Peter's Church, Hornsby 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.

5. This Ordinance shall be styled and cited as the "St. Peter's Hornsby (Mount Colah) Mortgaging Ordinance 1946."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situated at Mt. Colah in the Parish of South Colah, County of Cumberland having a frontage of about One Hundred and Sixteen Feet, one and a half inches (116' 1½") to Pacific Highway by a depth of Four Hundred

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Feet (400') and Three Hundred and Forty One feet, (341') respectively with a rear line of One Hundred feet (100') and being Lot 2A part of Certificate of Title Registered Volume 5052, Folio 171.

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

W. G. HILLIARD, Bishop,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 29th day of April 1946.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

30th April, 1946-
