

*The St. David's Arncliffe Mortgaging Ordinance
of 1938.*

No. 14, 1938.

AN ORDINANCE authorising the mortgaging of certain lands situate at the corner of Cliff Street and Forest Road Arncliffe County of Cumberland Parish of St. George and to provide for the application of the proceeds thereof.

WHEREAS by Certificate of Title dated the sixth day of April 1923 Registered Volume 3437 Folio 176 Reginald Herbert Pitt-Owen Frederick Thomas Brooks and Albert Edward Bryant are the registered proprietors in fee simple as joint tenants of the land therein and in the Schedule hereto described upon which are erected buildings used as a Rectory in connection with the Parish of St. David's Arncliffe AND WHEREAS by Declaration of Trust bearing date the first day of May 1923 but not registered the said Reginald Herbert Pitt-Owen Frederick Thomas Brooks Albert Edward Bryant and one William Bartlett (since deceased) declared acknowledged and admitted that they and the survivor of them and the heirs executors and administrators of such survivor should thenceforth stand seized and possessed of the said land and all buildings and other improvements thereon and all benefit thereof respectively upon trust for St. David's Arncliffe Parish Council AND WHEREAS by Memorandum of Mortgage dated the twenty-sixth day of August 1933 Registered No. 230297 the said Reginald Herbert Pitt-Owen Frederick Thomas Brooks and Albert Edward Bryant purported to mortgage the said land to the Commercial Bank of Australia Limited to secure the repayment of certain monies and interest thereon advanced by the said Bank for the purpose of completing and furnishing the Parish Church and the amount now owing in respect of such mortgage is £1050 and interest thereon AND WHEREAS certain debts are owing by the said Parish namely the said sum of £1050 and several sums amounting to £1000 borrowed from various parishioners for the purpose of repairing and erecting portion of the present Church building belonging to the said Parish and the sum of £210/1/5 owing in respect of Architect's fees installation of light and kerbing guttering and sewerage of the said Church site AND WHEREAS it is considered desirable and expedient to pay and discharge such

*The St. David's Arncliffe Mortgaging Ordinance
of 1938.*

debts and liabilities and for such purposes to raise the sum of £2250 by mortgage or mortgages over the said land AND WHEREAS it is expedient to vest the said land in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the Corporate Trustees") AND WHEREAS by reason of the circumstances subsequent to the creation of the trusts hereinbefore mentioned it is expedient to mortgage the said land 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 trusts of the said land it is expedient to vest the same in the Corporate Trustees and to mortgage the same.

2. The Standing Committee hereby consents to the said land being vested and the same is hereby vested in the Corporate Trustees.

3. (1) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding £2250.

(b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine Provided that such debt shall be reduced at the rate of not less than £100 per annum as from the first day of November 1938.

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

(3) A document purporting to be certified by the Archbishop or Registrar 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.

*The St. David's Arncliffe Mortgaging Ordinance
of 1938.*

4. 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 and the payment thereof of all outgoings properly chargeable against the said land.
- (b) In payment to the Commercial Bank of Australia Limited of all moneys (including costs of discharge of mortgage) owing to it by the said Parish.
- (c) In payment of the balance to the Rector and Churchwardens for the time being of the said Parish of St. David's (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys in or towards the payment of the said several debts and any interest respectively owing thereon hereinbefore mentioned.

5. The Rector and Churchwardens for the time being of St. David's Church Arncliffe 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 shall be styled and cited as "The St. David's Arncliffe Mortgaging Ordinance of 1938."

THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land situate at Arncliffe in the Municipality of Rockdale Parish of St. George County of Cumberland being Lots 6 and 7 of Section 2 on a plan deposited in the Land Titles Office Sydney numbered 1123 and having a

*The St. David's Arncliffe Mortgaging Ordinance
of 1938.*

frontage of about thirteen feet to the South side of Forest Road by a depth of about two hundred and sixty-five feet eight inches along Cliff Street and being the whole of the land comprised in Certificate of Title Registered Volume 3437 Folio 176.

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 nineteenth day of December, 1938.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER,
Bishop Coadjutor, Commissary.

22nd December, 1938.