

No. 14, 1956.

AN ORDINANCE to vest certain land at Bondi in the Municipality of Waverley in Church of England Property Trust, Diocese of Sydney, to authorise the mortgaging of such land and other land situated as aforesaid and to provide for the application of the proceeds thereof.

WHEREAS by Conveyance dated the 12th day of February 1935 Registered No. 602 Book 1710 the land described in the first part of the First Schedule hereto was conveyed to John Cook, William Stewart, Robert Andrew Pollard and Henry William Frederick Rogers upon trust to permit the same to be used for a church, parsonage 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. Matthew, Bondi AND WHEREAS under the provisions of Ordinance 31 of 1953 intituled "St. Matthew's Bondi Mortgage and Sale Ordinance 1953" the said land was vested in the Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) AND WHEREAS the Corporate Trustee is registered as Proprietor of the land comprised in Certificate of Title Volume 6785 Folio 72 more particularly described in the second part of the said First Schedule AND WHEREAS in pursuance of the provisions of the said Ordinance No. 31 of 1953 by Deed of Mortgage dated the 19th day of December 1953 Registered No. 975 Book 2277 made between the said Corporate Trustee of the one part and the Commercial Banking Company of Sydney Ltd. of the other part of the Corporate Trustee conveyed to the said Bank the land described in the first part of the First Schedule hereto subject to the proviso for redemption therein contained to secure the sum of Five thousand pounds (£5,000) AND WHEREAS by Memorandum of Mortgage dated the 18th day of December 1953 Registered No. G8388 made between the said Corporate Trustee and the said Bank the land described in the second part of the said First Schedule was also mortgaged by way of collateral security for the said advance AND WHEREAS there was owing to the said Bank upon the security of the said recited mortgages the sum of Two thousand eight hundred and ninety-six pounds eighteen shillings and five pence (£2,896 18s. 5d.) as at the 14th day of May 1956 AND WHEREAS by Indenture of Conveyance dated 17th day of January 1889

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Registered No. 715 Book 405 made between Charles Coghill and John White (therein called vendors) of the one part and William Henry Simpson, James Vickery and William Ransome Gullick (therein called Trustees) of the other part the land described in the first part of the Second Schedule hereto was conveyed unto the said Trustees upon trust for the use and benefit of the Church of England AND WHEREAS by Declaration of Trust dated 18th January 1889 the said William Henry Simpson, James Vickery and William Ransome Gullick declared that they their heirs and assigns would thenceforth hold the land described in the said recited Conveyance upon trust for the Parish of St. Mary Waverley subject to the provisions of the Act 8 William IV for the erection and maintenance of a Church or place of worship according to the use of the Church in the said Act described as the United Church of England and Ireland but then known as the Church of England and also for the erection and maintenance of a school house in connection with the said Church AND WHEREAS since the date of the said Conveyance the Parish of St. Matthew Bondi has been formed and the Church of St. Matthew is erected on the land described in the last-mentioned Conveyance AND WHEREAS by Indenture of Conveyance dated 2nd September 1909 Registered No. 299 Book 890 made between the Trustees of the Savings Bank of New South Wales of the first part, Henry King of the second part and Frederick Alexander Mackenzie, C. P. Taylor and William Henry Sadlier, Churchwardens, for the time being of St. Matthew's Church Bondi (therein called purchasers) of the third part the land described unto the second part of the Second Schedule hereto was conveyed unto the said purchasers as joint tenants AND WHEREAS Henry William Frederick Rogers and William Worling are the registered proprietors of the land comprised in Certificate of Title Volume 3381 Folio 191 more particularly described in the third part of the said Second Schedule subject to a Caveat Registered No. A871916 by the Registrar-General forbidding registration of any dealing by the said Frederick Rogers and William Worling not in accordance with their duties as Trustees of St. Matthew's Church of England Bondi AND WHEREAS all the land described in the First and Second Schedules hereto is Church Trust Property held for the sole benefit of the Parish of St. Matthew Bondi but no trusts concerning those parcels described in the second and third parts of the Second Schedule have been declared in writing AND WHEREAS it is expedient that the lands described in the Second Schedule hereto be vested in the Corporate Trustee to be held by it together with the land

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described in the second part of the First Schedule hereto upon trust for the Church of England in the Parish of St. Matthew Bondi as hereinafter declared AND WHEREAS for the purpose of extending the said Church of St. Matthew Bondi it is necessary to mortgage further the lands described in the First Schedule and to mortgage the lands described in the Second Schedule hereto Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Directs as follows:—

1. That the lands described in the Second Schedule hereto be and the same are hereby vested in Church of England Property Trust Diocese of Sydney and shall be held together with the land described in the second part of the First Schedule hereto upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Matthew Bondi.

2. (i) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the First Schedule hereto are held it is expedient that the said lands be mortgaged further for the purpose of increasing the amount owing under the existing mortgage to the Commercial Banking Co. of Sydney Ltd. at the time when the power is first exercised under this Ordinance to the sum of Five thousand pounds (£5,000).
- (ii) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Second Schedule hereto are held it is expedient that the said lands be mortgaged for the purpose of borrowing when the power is first exercised a sum not exceeding Three thousand pounds (£3,000).
- (iii) When the power is subsequently exercised the Corporate Trustee is hereby empowered to mortgage the whole or any part of the lands described in the First and Second Schedules for a sum or sums

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in the aggregate not exceeding Five thousand pounds (£5,000) and subject to such conditions as to repayment as Standing Committee shall by resolution determine.

- (iv) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (v) A document purporting to be certified by the Archbishop or Secretary of the Standing Committee 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 any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (i) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and any mortgage or mortgages executed in pursuance thereof and the balance shall be paid to the Churchwardens of St. Matthew Bondi who shall apply the same in and towards the costs of and incidental to the extension of the said Church.
- (ii) When the power is subsequently exercised in payment of any principal interest and costs of and incidental to such further mortgage or mortgages.

4. The Churchwardens for the time being of the Parish of St. Matthew Bondi 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 Secretary of Standing Committee giving details of the original amount borrowed the amounts paid off and the balance owing.

5. This Ordinance may be cited as "St. Matthew's Bondi Vesting and Mortgage Ordinance 1956."

FIRST SCHEDULE.

FIRST PART.

All that piece or parcel of land situated at Waverley near Sydney in the Parish of Alexandria County of Cumberland and State of New South Wales being Lot Seven and part of Lot Eight of Section Number Three of George Penkivill Slade's sub-division of Portions of Flood and Jones' Grant of fourteen acres and Woolley's grants of fourteen and one half acres and thirteen and one half acres commencing in Ocean Street at a point four hundred and thirty-two feet northerly from Waverley Street and bounded on the west by Ocean Street aforesaid bearing northerly seventy-two feet to land conveyed to Albert Victor Shaw thence on the north by that land being a line bearing easterly one hundred and sixty-five feet thence on the east by a line bearing southerly seventy-two feet and on the south by Lot Number Six of said Section bearing westerly one hundred and sixty-five feet to the point of commencement.

SECOND PART.

All that piece or parcel of land situated in the Municipality of Waverley Parish of Alexandria County of Cumberland having a frontage to Ramsgate Avenue Bondi of about 39' 9" being the whole of the land comprised in Certificate of Title Volume 6785, Folio 72.

SECOND SCHEDULE.

FIRST PART.

All that piece or parcel of land situate in the Parish of Alexandria in the County of Cumberland in the Colony of New South Wales being Allotment Number Six of Section Number Three of the said G. P. Slade's sub-division of portions of Flood and Jones' Grant of fourteen acres and Wooley's Grant of fourteen and a half acres and thirteen and a half acres commencing in Ocean Street at a point three hundred and sixty-six feet northerly from Waverley Street bounded on the west by Ocean Street afore-

said bearing northerly sixty-six feet thence on the north by Lot Number Seven of said Section bearing easterly one hundred and sixty-five feet thence on the east by a line bearing southerly sixty-six feet and on the south by Lot Number Five of said Section bearing westerly one hundred and sixty-five feet to the point of commencement.

SECOND PART.

All that piece or parcel of land situated in the Parish of Alexandria County of Cumberland and State of New South Wales and being part of Lots Seven and Eight of C. McDonald's subdivision at Waverley Commencing at a point bearing ten degrees 01 minutes four hundred and sixty-nine feet one and one-half inches and two hundred and eighty degrees forty-two minutes two hundred and twenty-five feet five inches from the intersection of the north west building line of Wellington Street with the north-east building line of Bondi Road and bounded on the north east by a fenced line bearing two hundred and eighty degrees forty-two minutes forty feet on the north-west by a fenced line bearing one hundred and eighty-nine degrees thirty-eight minutes one hundred and twelve feet on the south-west by a line bearing one hundred degrees forty-two minutes forty feet and on the south-east by a line bearing nine degrees thirty-eight minutes one hundred and twelve feet to the point of commencement.

THIRD PART.

All that piece or parcel of land situated in the Municipality of Waverley Parish of Alexandria County of Cumberland being part of Lot 7 of C. McDonald's subdivision and being the whole of the land comprised in Certificate of Title Volume 3381 Folio 191.

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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 28th day of May, 1956.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

31/5/1956.