
St. Paul's Kogarah Mortgage Ordinance 1956.

No. 36, 1956.

AN ORDINANCE to authorise the mortgaging of certain land at Kogarah and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated the twenty seventh day of May One thousand eight hundred and sixty nine Registered Number 805 Book 116 and made between William Alexander Wolfen of the first part Benjamin Buchanan of the second part and the Right Reverend Frederick Barker Lord Bishop of Sydney of the third part the lands and premises described in the first Schedule hereto were conveyed to the Bishop of Sydney and his successors and assigns upon trust to use the same as the site for the purpose of a Church of the Church of England and a Parsonage and School House in connection therewith and under and subject to the provisions of the Act of the Colonial Legislature of New South Wales 8 William IV No. 5 intituled "An Act to regulate the temporal powers of Churches and Chapels of the United Church of England and Ireland in New South Wales" AND WHEREAS by Notice of Resumption dated the eighth day of October One thousand nine hundred and twenty three under the hand of the Honourable Sir William Portus Cullen, K.C.M.G., Lieutenant Governor it was thereby notified and declared that so much of the land thereunder described as was Crown land had been appropriated and so much thereof as was private property had been resumed under the Public Works Act 1912 for the purpose of a public school at Kogarah and was vested in the Minister of Public Instruction on behalf of His Majesty the King for the purposes of the Public Instruction Act of 1880 and the description of the said land so appropriated and resumed as set out in the Second Schedule hereto is inter alia part of the land described in the hereinbefore recited Indenture of Conveyance AND WHEREAS the said Notice of Resumption was published in the Government Gazette and in four of the Sydney daily newspapers on the nineteenth day of October One thousand nine hundred and twenty three and thereupon the lands therein described became for the purposes and subject to the provisions of the said Act vested in the Minister of Public Instruction on behalf of His Majesty the King for an estate in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights-of-way or other

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easements whatsoever AND WHEREAS by Deed of Consent dated the third day of September One thousand nine hundred and twenty four Registered Number 770 Book 1358 the Archbishop of Sydney did thereby consent that the moneys so allotted as compensation in respect of such resumption as aforesaid and the balance of the said land excluding the land so resumed as aforesaid should henceforth become and be vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) its successors and assigns subject to the trusts in the said Indenture of Conveyance expressed and contained or to so much thereof as were still subsisting undetermined and capable of taking effect AND WHEREAS by a further Notice of Resumption published in the Government Gazette on the 22nd day of April 1943 the lands therein and in the third schedule hereto described became vested in the Minister of Public Instruction on behalf of His Majesty the King for an estate in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights-of-way or other easements whatsoever AND WHEREAS the land described in the fourth schedule hereto forms part of the residue of the land described in the said recited Indenture of Conveyance No. 805 Book 116 AND WHEREAS by Ordinance No. 16 1955 entitled "St. Paul's Kogarah (Parish of St. George) Sale Ordinance 1955" the land of which that described in the said fourth schedule forms part was declared to be held 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, Church of St. Paul in the Parish of St. George AND WHEREAS it is necessary to mortgage the land described in such fourth schedule for the purpose of borrowing the sum of Three thousand pounds (£3000) towards the erection of a Rectory thereon 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. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the fourth schedule hereto is held it is expedient to mortgage the said land:—

- (i) The Corporate Trustee is hereby empowered to mortgage from time to time the land described in the fourth schedule hereto for the purpose of borrowing the sums following:—

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(a) When the power is first exercised a sum not exceeding Three thousand pounds (£3000).

(b) When the power is subsequently exercised such sum (not exceeding Three thousand pounds (£3000)) as the Standing Committee shall by resolution determine.

Provided that such debts shall be reduced at the rate of not less than Two hundred pounds (£200) per annum when the power is first exercised and thereafter at such rate as Standing Committee may by resolution determine provided further that no person or corporation advancing moneys under this ordinance shall be concerned to enquire whether such reductions as aforesaid shall have been made.

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

(iii) A document purporting to be signed by the Archbishop or Secretary of Standing Committee of the said Diocese as a copy of any such resolution, shall in favour of a mortgagee or any person or corporation advancing 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:—

(i) When the power is first exercised:—

(a) In payment of the costs, charges and expenses of and incidental to this ordinance and of such mortgage executed in pursuance thereof.

(b) Subject thereto the balance shall be paid to the Churchwardens for the time being of St. Paul's, Kogarah who shall apply the same in or towards the costs of and incidental to the erection of a Rectory on the said land.

(ii) When the power is subsequently exercised in payment of the principal, interest and costs of and incidental to

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the discharge of any then existing mortgage or mortgages and the costs and expenses of such further mortgage or mortgages.

3. The Churchwardens for the time being of St. Paul's Church, Kogarah shall within seven (7) 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 Secretary of Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

4. This Ordinance shall be cited as "St. Paul's Kogarah Mortgage Ordinance 1956."

FIRST SCHEDULE.

All that piece or parcel of land situate in the Parish of Saint George in the County of Cumberland in the State of New South Wales containing by admeasurement two acres more or less bounded on the east by the Rocky Point Road by a line commencing at a point six chains sixty links from the fence forming the south-eastern boundary of the Bexley property in that road, and bearing northerly two chains and eighty-four links on the north by a line at right angles to the said Rocky Point Road bearing westerly in a straight line eight chains and fifty-four links to a proposed reserved back road on the south-west by that proposed reserved road being a line south-easterly three chains and ninety-eight links and thence on the south by a straight line to the point of commencement easterly five chains and seventy four links be the said several dimensions a little more or less.

SECOND SCHEDULE.

All that piece or parcel of land containing an area of One acre two roods twenty perches in the Municipality of Kogarah Parish of St. George County of Cumberland commencing at a point on the north-eastern side of Gladstone Road bearing south easterly One hundred and thirty-eight feet three inches from the intersection of that side of that road with the southern side of

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Regent Street thence by a line bearing ninety degrees nine minutes twenty-two feet eight inches being the southern boundary of Lot ninety-eight of Deposited Plan Number 1397 on the west by a line bearing nine minutes one hundred and fifty-five feet eleven inches being the eastern boundaries of lots ninety-eight to one hundred and two to the south-west corner of Lot one hundred and three by the southern boundary of that lot and lots one hundred and four and one hundred and five and one hundred and eight to one hundred and nineteen and part of lot one hundred and twenty bearing in all ninety degrees eleven minutes three hundred and forty three feet two inches thence by lines bearing successively one hundred and eighty degrees eleven minutes two hundred and seventy-six feet five inches two hundred and seventy-one degrees twenty three minutes one hundred and thirty two feet six inches nine minutes one hundred and forty three feet three and one half inches two hundred and seventy degrees nine minutes one hundred and thirty feet and one hundred and eighty degrees nine minutes one hundred and twenty feet to the north-east side of Gladstone Road aforesaid thence by that road bearing three hundred and twelve degrees thirty five minutes one hundred and forty feet to the point of commencement.

THIRD SCHEDULE.

All that piece or parcel of land situate in the Municipality of Kogarah Parish of St. George County of Cumberland and State of New South Wales being part of the land comprised in Certificate of Title Volume 3652 Folio 20 and part of the land comprised in Deed of Conveyance No. 805 Book 116 commencing at a point on the north eastern side of Gladstone Street being a south eastern corner of an area of 1 acre 2 roods 5½ perches shown on plans catalogued Ms. 5862 Sy. at the Lands Department Sydney and bounded thence by an eastern boundary of that area bearing 9 minutes 120 feet thence by a southern boundary of that area bearing 90 degrees 9 minutes 130 feet thence by a western boundary of that area bearing 180 degrees 9 minutes 143 feet 3½ inches thence by another southern boundary of that area bearing 91 degrees 23 minutes 132 feet 6 inches thence by the prolongation of the most eastern boundary of that area bearing 180 degrees 11 minutes 66 feet to the southern boundary of the land comprised in Deed of Conveyance No. 805

Book 116 thence by part of that southern boundary bearing 271 degrees 23 minutes 165 feet 5 inches to the north eastern side of Gladstone Street aforesaid thence by that side of that street bearing 312 degrees 35 minutes 131 feet 6 inches to the point of commencement containing an area of 2 roods 36 perches or thereabouts.

FOURTH SCHEDULE.

All that piece or parcel of land containing by admeasurement 1 rood 22 perches situate lying and being in the Municipality of Kogarah Parish of St. George County of Cumberland and State of New South Wales being Lot B2 shown on a plan of subdivision of Lot B in Miscellaneous Plan of Subdivision No. (O.S.) 10750 and (R.P.) 91026. Commencing at a point on the western side of Princes Highway bearing 180 degrees 11 minutes and distant 394 feet 6 $\frac{1}{2}$ inches from the intersection of the western side of Princes Highway with the southern side of Regent Street and bounded thence on the north by the southern boundary of Lot B1 shown on the firstmentioned plan of subdivision bearing 271 degrees 24 minutes 20 seconds for 225 feet 0 $\frac{3}{4}$ inches to the eastern boundary of the land reserved for Public School purposes and gazetted on the 22nd April, 1943 on the west by part of the eastern boundary of the abovementioned land bearing 180 degrees 12 minutes 20 seconds for 75 feet 3 $\frac{3}{4}$ inches to the north-western corner of Lot C shown on the abovementioned Miscellaneous Plan of Subdivision on the south by the northern boundary of the said Lot C bearing 91 degrees 24 minutes 20 seconds for 225 feet 1 inch to the western side of Princes Highway on the east by part of the western side of Princes Highway bearing 0 degrees 11 minutes for 75 feet 3 $\frac{3}{4}$ inches to the point of commencement.

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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 15th day of October, 1956.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

15/10/1956.