
West Kembla Mortgaging Ordinance, 1960.

No. 9, 1960.

AN ORDINANCE to authorise the mortgaging of certain land at Fig Tree in the City of Greater Wollongong Parish of Wollongong County of Camden and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated 6th December 1900 Registered No. 198 Book 679 made between John Gibson and Edward Gibson (Trustees and Executors of the Will of Edward Gibson Senior) of the first part Robert Allen Gibson of Fig Tree of the second part and The Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the third part the land and hereditaments described in the Schedule hereto were granted released conveyed and confirmed unto the Corporate Trustee upon trust to permit the same to be used and enjoyed as a site for a Church of England Sunday School or for such other purpose or purposes as should be from time to time decided upon by the Corporate Trustee and to be subject to the Regulations (so far as they might be applicable) contained in the "Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the same AND WHEREAS it is proposed to erect upon the said land a Rectory to be used in connection with the Provisional Parish of West Kembla or any parish into which it may subsequently be formed and for such purpose it is necessary and expedient to mortgage the said land to borrow a sum not exceeding Five thousand five hundred pounds (£5,500:) to be applied towards the cost thereof AND WHEREAS it is also expedient to declare further trusts in respect of the said land as hereinafter appearing NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS and DECLARES as follows:—

1. The land described in the Schedule hereto shall henceforth be held by the Corporate Trustee 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 Provisional Parish of West Kembla or any Parish into which it may subsequently be formed.

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

(a) When the power is first exercised a sum not exceeding Five thousand five hundred pounds (£5,500:).

(b) When the power is subsequently exercised such sum not exceeding Five thousand five hundred pounds (£5,500:) as the Standing Committee shall by resolution determine.

PROVIDED that such debt shall be reduced at the rate of not less than Three hundred pounds (£300:) per annum when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of 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 certified by the Archbishop or the 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 many 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 of any mortgage executed in pursuance thereof and the balance shall be paid to the Churchwardens of All Saints Church Fig Tree who shall apply the same in and towards the

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

4. The Churchwardens for the time being of All Saints Church Fig Tree shall within seven 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 the Standing Committee giving details of the original amount borrowed, the amounts paid off and the balance owing.

5. This Ordinance may be cited as "West Kembla Mortgaging Ordinance 1960."

SCHEDULE.

All that piece or parcel of land containing twenty perches more or less being a portion of Edward Gibson's One hundred and one acres which was part of an original grant of one hundred acres to Michael Carroll situated near Fig Tree in the Parish of Wollongong County of Camden Colony of New South Wales commencing at the south east corner of Edward Gibson's One Hundred and one acres being a point on the Main South Coast Road East sixteen chains and eighty links from the south west corner of Michael Carroll's original hundred acres grant and bounded on the south by part of the south boundary of Edward Gibson's one hundred acres bearing west for one hundred and forty seven links on the west by a line bearing north for eighty five links on the north by a line bearing east for one hundred and forty eight and a half links to the west boundary of the Main South Coast Road and on the east by that Road bearing south one degree one minute west for eighty five links to the point of commencement.

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

H. G. S. BEGBIE,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 5th day of May, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

5/5/1960.