
St. Paul's Canterbury Mortgage Ordinance 1955.

No. 3, 1955.

AN ORDINANCE to authorise the mortgaging of certain land situate at Canterbury in the Municipality of Canterbury together with certain other land situate at the corner of Hardy and Princess Streets Canterbury Municipality of Ashfield and to provide for the application of the proceeds thereof.

WHEREAS by Indenture dated the tenth day of April One thousand eight hundred and sixty Registered No. 268 Book 74 the land described in the first and second schedules hereto was conveyed by Sophia Ives Campbell to the Bishop of Sydney and his successors and it was thereby declared that the said Bishop of Sydney and his successors should hold the said land described in the first schedule hereto together with the Church erected thereon by the said Sophia Ives Campbell Upon the trusts and subject to the provisions declared by the Act of the Governor and Council of New South Wales and William the 4th No. 5 intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" in like manner in all respects as if the said Bishop of Sydney and his successors were appointed a sole trustee and successive trustees of the said land and Church or either of them under the provisions in that behalf of the said Act And it was thereby further declared that the said Bishop of Sydney and his successors should hold the land described in the second schedule hereto upon trust for the erection and maintenance thereon of a Schoolhouse to be used for the teaching and instruction of children either gratuitously or otherwise according to such system under such regulations and in such manner in all respects as should from time to time be directed or sanctioned by the clergyman or minister for the time being authorised to officiate in the said Church or in any Church thereafter to be erected on the land described in the first schedule hereto.

AND WHEREAS the Church of St. Paul's at Canterbury is erected upon the land comprised in the first schedule hereto.

AND WHEREAS the land described in the first and second schedules hereto is held for the sole benefit of St. Paul's at Canterbury.

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AND WHEREAS it is expedient that the land described in the first and second schedules hereto should be vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustees").

AND WHEREAS erected upon the land comprised in the second schedule is an old school hall which is inadequate for the parochial purposes of the said Parish.

AND WHEREAS the lands comprised in the first and second schedules hereto have been re-subdivided and Miscellaneous Plan of Subdivision (C.S.) Number 10525 registered in the Registrar-General's Department Sydney.

AND WHEREAS the land comprised in the third schedule hereto is Lot A in the said sub-division.

AND WHEREAS the land comprised and described in Certificate of Title Registered Volume 4822 Folio 222 more particularly described in the fourth schedule hereto is held by the Corporate Trustees Upon Trust to permit the same to be used as a site for the dwelling house for the Minister duly licensed by the Lord Archbishop of Sydney to officiate in the Church of St. Paul in the Parish of Canterbury.

AND WHEREAS it is expedient to erect a new Parish Hall upon the land comprised in the third schedule hereto.

AND WHEREAS it is necessary and expedient that the land comprised in the third and fourth schedules hereto be mortgaged to provide the funds to complete the erection of the said New Parish Hall.

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 Standing Committee hereby consents to the said land comprised in the first and second schedules hereto being vested and the same is vested accordingly in the Corporate Trustees.

2. By reason of circumstances subsequent to the creation of the said trusts to which the said land comprised in the third and fourth schedules are respectively subject it is expedient that the land comprised in such schedules be mortgaged.

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3. (1) The Corporate Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land comprised in the third and fourth Schedules hereto for the purpose of borrowing—

(a) When the power is first exercised a sum not exceeding seven thousand pounds (£7,000).

(b) When the power is subsequently exercised such sum not exceeding seven thousand pounds (£7,000) as the Standing Committee shall by Resolution determine provided that such debt shall be reduced at the rate of not less than four hundred pounds per annum as from the date of the first borrowing but no mortgagee advancing moneys in pursuance of this ordinance shall be concerned or obliged to see that this proviso is complied with.

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

(3) 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 Mortgage be conclusive evidence that such Resolution was duly passed.

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 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. Paul Canterbury (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 comprised in the third schedule hereto of a new Parish Hall.

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5. The Rector and Churchwardens for the time being of the said Parish 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. Paul's Canterbury Mortgage Ordinance 1955.

THE FIRST SCHEDULE.

All that parcel of land containing by admeasurement one acre and nineteen perches more or less being part of the Canterbury Estate situated in the Parish of Petersham in the County of Cumberland in the Colony of New South Wales Commencing on the east side of Sugar House Road at a point distant five chains twenty eight links in a Northerly direction from the intersection by the East side of Sugar House Road being a line bearing North three chains eighty-four links thence on the North by a line dividing the same from Timothy Daniel's land bearing South Easterly three chains ten links thence on the East by a line dividing the same from Timothy Daniel's land bearing Southerly three chains twenty links thence by the North West boundary line of the land herein secondly described being a line parallel with the Canterbury Road bearing South Westerly one chain and thence on the South West by a line of fence dividing the same from other land of the said Timothy Daniel bearing North Westerly two chains thirty one links to the commencing point.

THE SECOND SCHEDULE.

All that parcel of land containing by admeasurement nineteen perches more or less being part of the said Canterbury Estate situated in the Parish of Petersham in the County of Cumberland in the Colony of New South Wales Commencing on the North West side of the Canterbury Road at a point distant four chains fifty links from its intersection with the East side of Sugar House Road being bounded on the South East by the Canterbury

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Road one chain thence on the North East by the land of Timothy Daniel being a line bearing North Westerly one chain twenty links thence on the North West by part of the land herein firstly described being a line parallel with the Canterbury Road one chain and thence on the South West by the land of the said Timothy Daniel being a line bearing South Easterly one chain twenty links to the commencing point be the said several dimensions all more or less.

THE THIRD SCHEDULE.

All that piece or parcel of land situate at Canterbury in the Municipality of Canterbury Parish of Petersham County of Cumberland New South Wales being part of the Canterbury Estate and also being Lot A on a plan of sub-division of the land comprised in Conveyance No. 268 Book 74 Commencing at a point on the North Western alignment of Canterbury Road bearing and distant 41 degrees 47 minutes 30 seconds 281 feet 6 inches from its intersection with the Eastern alignment of Church Street formerly known as Sugar House Road and bounded thence on the South West by a line passing along the North Eastern face of a brick wall bearing and distant 303 degrees 27 minutes 65 feet 11½ inches and thence again on the South West by a fenced line bearing and distant 302 degrees 57 minutes 31 feet 10¼ inches and bounded thence on the West by a line bearing and distant 1 degree 43 minutes 20 seconds 70 feet 8¼ inches and bounded thence on the North by a line bearing and distant 91 degrees 43 minutes 20 seconds 8 feet 0 inches and thence on the West by a line bearing and distant 1 degree 43 minutes 20 seconds 80 feet 0 inches and bounded thence on the North by a line bearing and distant 91 degrees 43 minutes 20 seconds 58 feet 3¼ inches and bounded thence on the East by a line bearing and distant 185 degrees 34 minutes 107 feet 7¼ inches and bounded thence on the North East by a fenced line bearing and distant 125 degrees 6 minutes 30 seconds 80 feet 0 inches on the North Western alignment of Canterbury Road aforesaid and bounded thence on the South East by the North Western alignment of Canterbury Road bearing and distant 221 degrees 47 minutes 30 seconds to the point of commencement and containing an area of 1 rood 9 perches.

THE FOURTH SCHEDULE.

All that piece of land situate in the Municipality of Ashfield Parish of Petersham County of Cumberland containing 1 rood 24½ perches having a frontage of 92 feet 5¼ inches to Hardy Street by a depth along Princess Street of 168 feet 4 inches a rear measurement of 89 feet 1¼ inches and a depth along the other side of 210 feet 10½ inches being Lot 7 on Deposited Plan 17861 and the whole of the land comprised in Certificate of Title Registered Volume 4822 Folio 222.

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 February, 1955.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

3/3/1955.