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DIOCESE OF GRAFTON.

THE COFFS HARBOUR RECTORY LAND MORTGAGE ORDINANCE 1937 . REVOCATION  
AND RE-ENACTING ORDINANCE 1939  
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P R E A M B L E

Whereas the validity of the Coffs Harbour Rectory Land Mortgage Ordinance 1937 (hereinafter designated the said Ordinance) a copy of which is contained in the Schedule hereto has been challenged on the grounds of lack of proof of certain allegations contained in the preamble thereto And Whereas the allegations so challenged have been since proved And Whereas it is expedient that all doubt respecting the validity of the said Ordinance be removed And Whereas by an Act of Parliament passed in the eighth year of the reign of His Majesty King George the fifth intituled "Church of England Trust Property Act 1917 No. 21" it was enacted that during recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance might in place of such Synod of the diocese exercise such of the powers and functions and do and make such of the things referred to in the said Act as should be determined by Ordinance of the Synod of such diocese And Whereas by an Ordinance of the Synod of the Diocese of Grafton passed in the year 1934 the Bishop-in-Council was appointed for the purpose of exercising and might accordingly during the recess of such Synod of the said diocese exercise in the place of such Synod any or all of the powers and functions and do and make any or all of the things referred to in such Act Section 26 thereof as may be done by the Synod NOW the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales and by the Church of England Trust Property Act 1917 or otherwise in the name and in the place of such Synod ordains directs and rules as follows :-

1. By reason of circumstances revealed subsequent to the passing of the Coffs Harbour Rectory Land Mortgage Ordinance 1937, a copy of which is contained in the Schedule annexed hereto and herein after designated the said Ordinance it is expedient that the said Ordinance be revoked and re-enacted.
  2. The said Ordinance is hereby revoked but such revocation shall not be held to invalidate any act matter or thing done or commenced thereunder notwithstanding that the said Ordinance may have contained some defect at the time.
  3. The proceedings taken in conformity with Sections 34 to 38 of the Church Trust Property Ordinance 1934 for the initiation of the said Ordinance now revoked shall be continued and accepted as the proceedings in respect to the Ordinance to be re-enacted.
  4. The Coffs Harbour Rectory Land Mortgage Ordinance 1937 a copy of which is contained in the Schedule annexed hereto is hereby re-enacted and the Short Title thereto amended to read "The Coffs Harbour Rectory Land Mortgage Ordinance 1939"
  5. This Ordinance may be cited as the Coffs Harbour Rectory Land Mortgage Ordinance 1937 Revocation and Re-enacting Ordinance 1939.
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THE COFFS HARBOUR RECTORY LAND MORTGAGE ORDINANCE ~~1936~~ 1937

PREAMBLE

WHEREAS the lands described in the schedule hereto and known as the Coffs Harbour Rectory Lands, are vested in the Corporate Trustees of the Diocese of Grafton AND WHEREAS certain persons namely William Wooton Alford, William Seccombe, John Burgess, Albert Edward Davey Long and John Boyle Hill being the persons in whom the said lands were vested did on the first day of September 1913 mortgage the said lands to the Bank of New South Wales for a sum of five hundred pounds for the purpose of erecting on the said lands a Vicarage AND WHEREAS for the better securing to the said Bank of New South Wales of the said sum of five hundred pounds the said William Wooton Alford, William Seccombe, John Burgess, Albert Edward Davey Long and John Boyle Hill did enter into an agreement with the said Bank for the repayment in full of the said sum of five hundred pounds and interest AND WHEREAS there is still remaining of the said sum of five hundred pounds an unpaid balance of three hundred and twenty five pounds AND WHEREAS the said William Wooton Alford, William Seccombe, John Burgess, Albert Edward Davey Long and John Boyle Hill have now transferred to said lands to the Corporate Trustees of the Diocese of Grafton and funds are required in order to discharge and release the before mentioned mortgage and agreement AND WHEREAS a petition has been made in due form to the Synod of the Diocese of Grafton under the provisions of the Church of England Trust Property Act 1917 to mortgage the said lands for a sum not exceeding three hundred and twenty five pounds AND WHEREAS it is expedient to give effect to the said application AND WHEREAS by the Church of England Trust Property Act 1917 it was enacted that during the recess of the Synod of a Diocese a committee council or other body of persons appointed for that purpose by Ordinance might in the place of such Synod of the Diocese exercise such of the powers and functions and do and make such of the things referred to in the said Act as should be determined by ordinance of the Synod of such Diocese AND WHEREAS by an ordinance of the Synod of the Diocese of Grafton passed in the year 1934 the Bishop-in-Council was appointed for the purpose of exercising and might accordingly during the recess of such Synod of the said Diocese exercise in the place of such Synod any or all of the powers and functions and do and make any or all of the things referred to in such Act Section 26 thereof as may be done by the Synod NOW the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" or otherwise in the name and in the place of such Synod ordains directs and rules as follow:—

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DECLARATION OF OPINION

1. It is expedient and desirable to mortgage the lands described in the Schedule hereto for a sum of three hundred and twenty five pounds.

2. It shall be lawful under and by notice of the powers conferred by the Church of England Trust Property Act 1917 from time to time to mortgage the lands described in the Schedule hereto for a sum or sums not exceeding three hundred and twenty five pounds.

PROVIDED that after the expiration of five years from the date in the first instance of the mortgaging no renewal of any such mortgage or no fresh mortgage shall be valid for a larger sum than two hundred pounds and thereafter no such renewal and no fresh mortgage shall be valid unless the sum thereby secured is less than the sum of two hundred pounds after deducting therefrom the sum of at least twenty five pounds per annum for each further year that shall have elapsed from the passing of this ordinance.

3. The Corporate Trustees of the Diocese of Grafton shall in its own name and as its own act and deed execute and do all necessary mortgages or other securities acts and things for giving full and complete effect to the provisions of this Ordinance according to its true intent and meaning.

4. The moneys advanced on any such mortgage shall be paid to the Corporate Trustees of the Diocese of Grafton whose receipt shall be an effectual discharge and no mortgagee shall be concerned to see the application of the money so advanced.

The Corporate Trustees of the Diocese of Grafton shall apply the money so advanced as follows:— In repaying to the Bank of New South Wales the moneys due under the mortgage and agreement referred to in the Preamble hereto.

SHORT TITLE

5. This Ordinance may be cited as "The Coffs Harbour Rectory Land Mortgage Ordinance 1937"

SCHEDULE

ALL THAT piece or parcel of land containing by measurement 1 rood situated in the town of Coffs Harbour, Parish of Coff, County of Fitzroy, being Allotment 2 of Section 1 on Deposited Plan No. 5404 and being the whole of the land comprised in Certificate of Title dated the 24th day of September 1913 Registered Book Vol 2403 Folio 126.

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

*H. A. Rams*

Chairman of the Council

I certify that this Ordinance was passed this twenty first day of February 1937.

*Will King*

Secretary to the Council

I assent to this Ordinance.

*W. W. Grafton*

March 2nd 1937