

No. 4, 1956

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

WHEREAS by Conveyance dated 11th November 1895 Registered No. 827 Book 568 made between the English Scottish and Australian Bank Limited of the first part Alexander Urquhart of the second part Elizabeth Jane Starling of the third part and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the fourth part all that piece or parcel of land more particularly described in the first part of the first schedule hereto was conveyed to the said Corporate Trustee upon trust to permit a mission church to be erected thereon to be called St. Luke's Mission Church Queen Street Burwood 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 altering or modifying the same AND WHEREAS a church was so erected and is now known as St. Peter's Church Burwood East AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the land comprised in Crown Grant Volume 4424 Folio 131 more particularly described in the second part of the said first schedule AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 4452 Folio 175 more particularly described in the third part of the said first schedule AND WHEREAS the Corporate Trustee is also registered as proprietor of the land comprised in Crown Grant Volume 4378 Folio 243 more particularly described in the fourth part of the said first schedule AND WHEREAS by Conveyance dated 5th February 1947 made between Jessie Clare McGrath of the one part and the said Corporate Trustee of the other part Registered No. 63 Book 2009 the land described in the fifth part of the said first schedule was conveyed unto the said Corporate Trustee in fee simple AND WHEREAS the said Corporate Trustee is registered as proprietor in fee simple of the land comprised in Crown Grant Volume 4424 Folio 142 more particularly described in the sixth part of the said first schedule AND WHEREAS there is now erected on the lands described in the first schedule in addition to the said Church of St. Peter a Parish Hall and

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two cottages known as Nos. 1 and 3 Wellington Street Croydon but no trusts have been declared in writing concerning the lands described in the second to fifth parts of the said first schedule AND WHEREAS by Memorandum of Transfer dated 7th August 1924 from Jean Elizabeth Doyle to the Reverend Ernest Henry Beales Claydon and George Simpson the land comprised in Certificate of Title Volume 2619 Folio 249 more particularly described in the second schedule was transferred to the said Ernest Henry Beales Claydon and George Simpson as joint tenants AND WHEREAS the said Ernest Henry Beales Claydon and George Simpson are now both deceased and it is expedient that the land described in the said second schedule be vested in the said Corporate Trustee upon trust to permit the same to be used as a parsonage in connection with the Parish of St. Peter Burwood East AND WHEREAS the lands described in the First and Second Schedules hereto are church trust property held for the sole use of the said Parish AND WHEREAS it is expedient to provide for the removal of the Parish Hall to another position on the lands described in the said first schedule and to make certain alterations and additions to the said church of St. Peter and for such purposes it is necessary to borrow the sum of Three thousand pounds (£3,000) 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. The Standing Committee of the Synod of the Diocese of Sydney hereby consents to the land described in the second schedule hereto being vested in the said Corporate Trustee and the same is hereby vested accordingly.

2. The land described in the said second schedule shall be held upon trust to permit the same to be used as a Parsonage in connection with the Church of England in the Parish of St. Peter Burwood East.

3. The lands described in the first schedule hereto shall be held upon trust to permit the same to be used for a church parsonage or parish hall and residences for the benefit of the said Parish 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. Peter Burwood East.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the first and second schedules hereto are held it is expedient to mortgage the lands therein described.

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(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land comprised in the Schedules hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Three thousand pounds (£3,000).

(b) When the power is subsequently exercised such sum not exceeding Three thousand pounds (£3,000) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than £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 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 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.

5. The proceeds of any mortgage hereby authorised shall be applied as follows:—

(a) When the power is first exercised in payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage executed in pursuance thereof.

(b) Subject thereto the balance shall be paid to the Churchwardens for the time being of St. Peter's Burwood East, who shall apply such moneys in the removal of the Parish Hall to another position on the lands described in the first schedule and in and towards the alteration additions and extensions of the church of St. Peter Burwood East.

- (c) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any mortgage then existing and the costs and expenses of such further mortgage or mortgages.

6. The Churchwardens for the time being of the Church of St. Peter Burwood East shall within seven days of the date of 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 Diocesan Secretary giving details of the original amount borrowed, the amounts paid off and the balance owing.

7. This Ordinance shall be cited as "St. Peter's Burwood East Mortgage Ordinance 1956."

FIRST SCHEDULE.

FIRST PART.

All that piece of land situated at Ashfield in the Parish of Concord and County of Cumberland commencing at the intersection of Wellington and Queen Streets and bounded on the east by Wellington Street bearing northerly one hundred and ten feet to Lot three on the north by that Lot bearing westerly to land of Mr. Grogan on the west by that land bearing southerly one hundred and ten feet to Queen Street aforesaid and on the south by that Street bearing easterly ninety three feet to the point of commencement being Lots one and two of Section three of Miss C. J. Hardie's sub-division of the Meadows be the said dimensions all a little more or less.

SECOND PART.

All that piece or parcel of land containing thirteen and eight-tenths perches having a frontage of 56 and 39/100ths links to Queen Street in the Municipality of Burwood Parish of Concord County of Cumberland by depth along Acton Street of 166 and 99/100ths links being the whole of the land in Crown Grant Registered Volume 4424 Folio 131.

THIRD PART.

All that piece or parcel of land containing 14 $\frac{1}{2}$ perches having a frontage of 40 feet to Wellington Street in the Municipality of Burwood aforesaid being Lot 3 of Section 3 of Miss C. J. Hardie's sub-division of The Headows and being the whole of the land comprised in Certificate of Title Registered Volume 4452 Folio 175.

FOURTH PART.

All that piece or parcel of land situated aforesaid having a frontage to Acton Street aforesaid of 60 and 96/100ths links containing 4 and 4/10ths perches being the whole of the land comprised in Crown Grant Registered Volume 4378 Folio 243.

FIFTH PART.

All that piece or parcel of land situated at Croydon in the Parish of Concord and County of Cumberland commencing on the western side of Wellington Street at the north eastern corner of Lot three and bounded on the south by that lot bearing westerly 102 feet to land of Mr. Grogan on the west by that land bearing northerly forty feet six inches to Lot 5 on the north by that lot bearing easterly 104 feet to Wellington Street aforesaid and on the east by that street bearing southerly 40 feet to the point of commencement being Lot four of Section three of Miss Hardie's sub-division be the said dimensions all a little more or less.

SIXTH PART.

All that piece or parcel of land situated as aforesaid having a frontage of 6 and 29/100ths links to Acton Street aforesaid containing 4 and 1/10th perches and being the whole of the land comprised in Crown Grant Registered Volume 4424 Folio 142.

SECOND SCHEDULE.

All that piece or parcel of land situated in the Municipality of Burwood Parish of Concord County of Cumberland having a frontage of 40 feet to Orchard Street by depth of about 131 feet 9 $\frac{1}{2}$ inches being part of Lot 9 Section 1 Deposited Plan No. 760 and the whole of the land comprised in Certificate of Title Registered Volume 2619 Folio 249.

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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 27th day of February, 1956.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

29/2/1956