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*St. John Baptist Ashfield Vesting and Mortgage Ordinance,  
1961.*

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No. 27, 1961.

AN ORDINANCE to vest certain lands at Ashfield in Church of England Property Trust Diocese of Sydney to authorise the mortgaging of such land and to provide for the application of the proceeds thereof.

WHEREAS by a certain Indenture dated 16th August 1845 Registered Number 662 Book 9 made between Elizabeth Underwood of the one part and The Bishop of Australia of the other part the land described in the First Schedule hereto was granted bargained sold released and confirmed unto the said Bishop of Australia and his successors upon trust for the erection of a Church for Divine Service according to the rites of the United Church of England and Ireland as by law established and also for the erection of a residence for a Clergyman in Holy Orders to be licensed by the said Bishop to the cure of souls of the said Church and for a Burial Ground according to the use of the said United Church AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Parish of St. John Baptist Ashfield AND WHEREAS there is erected on part of the said land a Church, a Parsonage and a Parish Hall and part is used for a burial ground AND WHEREAS it is expedient that the land be vested in Church of England Property Trust Diocese of Sydney subject to the said Trusts AND WHEREAS it is necessary and expedient that an advance of money not exceeding the sum of Four thousand pounds (£4,000) should be obtained upon the security of the land described in the Second Schedule hereto (being that part of the land in the First Schedule not used for the said Church or burial ground) for the purpose of making and erecting thereon additions and improvements to the said Parish Hall AND WHEREAS it is expedient to mortgage the said land for the purposes aforesaid NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the Synod hereby ordains and declares as follows:—

1. That the land described in the First Schedule hereto be and the same is hereby vested in Church of England Property Trust Diocese of Sydney subject to the trusts upon which it is held.

2. By reason of the circumstances hereinbefore mentioned it is expedient to mortgage the land described in the Second Schedule hereto and the Corporate Trustee is hereby empowered

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to mortgage from time to time the whole or any part of the said land for the purpose of borrowing the sums following:—

- (i) (a) When the power is first exercised a sum not exceeding Four thousand pounds (£4,000) provided that such debt shall be reduced by half-yearly instalments of Two hundred and seventy pounds (£270) each inclusive of the interest payable in respect of the said debt but no mortgagee advancing moneys in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.
- (b) When the power is subsequently exercised such sum not exceeding Four thousand pounds (£4,000) and subject to such conditions as to repayment as the Standing Committee shall by resolution determine.
- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power but to the extent only that the principal sum thereby secured shall be increased beyond the balance of debt remaining owing in respect of the same as at the date of such renewal.
- (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.

3. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee 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 thereof.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the Parish of St. John Baptist Ashfield (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards payment or satisfaction of the costs of and incidental to the making and erection of the additions and improvements to the said Parish Hall.

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4. The Churchwardens for the time being of the Parish of St. John Baptist Ashfield shall within seven days from 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 the amount paid off and the balance owing.

5. This Ordinance shall be styled and cited as "St. John Baptist Ashfield Vesting and Mortgage Ordinance 1961."

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FIRST SCHEDULE.

All that piece or parcel of land containing 4 acres 0 roods 14 perches situate at Ashfield in the Parish of Petersham, being Lots 74, 75 and 76 of the Village of Ashfield commencing 132 ft. from Julia Street and bounded on the North West by Alt Street 396 ft. on the South West by Lot 73 450 feet, on the South East by Lot 78 bearing north 49° 30" east 396 ft. to Lot 77 and on the North East by Lot 77 450 ft. to Alt Street and being the whole of the land mentioned and described in Indenture of Release dated 16th August, 1845, Registered No. 662 Book 9.

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SECOND SCHEDULE.

All that piece or parcel of land situate at Ashfield in the Parish of Petersham and County of Cumberland being part of Lots 74, 75 and 76 of the Village of Ashfield commencing at the North Eastern boundary of Lot 73 and bounded on the South East by Bland Street 396 feet, on the North East by Lot 77 120 feet, on the South West by a line 396 feet to the North West boundary of Lot 73 aforesaid and on the South West by that boundary 120 feet to the point of commencement.

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

H. G. S. BEGBIE,

Deputy 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 August, 1961.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney.

28/8/1961.