
The St. John's Beecroft Land Mortgaging Ordinance 1950.

No. 29, 1950.

AN ORDINANCE to authorise the mortgaging of certain land situated in the Parish of Beecroft and Cheltenham and to provide for the application of the proceeds thereof and other purposes.

WHEREAS the lands more particularly described in the First, Second and Third parts of the Schedule hereto are held by the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustees") upon trust to permit the same to be used for a Church, Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Church of England at Beecroft in the State of New South Wales. AND WHEREAS the land comprised in the First and Second parts of the Schedule hereto have recently with the approval of the Shire of Hornsby been subdivided into the areas so described. AND WHEREAS it is the requirement of the said Council of the Shire of Hornsby as a condition of its consent to the said subdivision that a small triangular portion of the land at the corner of Chapman Avenue and Beecroft Road (having frontages of ten feet to each of the said streets and comprising portion of the land described in the First part of the Schedule hereto) be dedicated to the public for road widening purposes. AND WHEREAS there is erected upon the land described in the First part of the Schedule the Parish Church of St. John's Beecroft and a Parish Hall and other buildings. AND WHEREAS it is intended to erect upon the area described in the Second part of the Schedule a Parsonage for the said Parish. AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it has become expedient to mortgage the lands comprised in the Second and Third parts of the Schedule hereto and to deal with the said proceeds in manner hereinafter contained. AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient to provide for the dedication of the said triangular portion of land as herein set out The Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to mortgage the land described in the Second and Third parts of the Schedule hereto—

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- (i) The Corporate Trustees are hereby empowered to mortgage from time to time the said land for the purpose of borrowing the sums following:—
 - (a) When the power is first exercised a sum not exceeding Four thousand pounds (£4,000).
 - (b) When the power is subsequently exercised such sum as the Standing Committee shall by resolution determine provided that such debt shall be reduced at the rate of not less than £75 per annum.
- (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 Diocesan Secretary of the said Diocese as 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.

2. 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 or such mortgage or any mortgages executed in pursuance of this Ordinance and in payment of the costs, charges and expenses of and incidental to the dedication hereinafter contained.
- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the said Parish (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 of the said parsonage on the said land.

3. The Rector and Churchwardens for the time being of the Parish of St. John's Beccroft 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.

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4. By reason of circumstances subsequent to the creation of the said trusts it is expedient to authorise the dedication of the area of land hereinbefore mentioned.

5. The Corporate Trustees are authorised and empowered to dedicate to the public the triangular piece of land hereinbefore referred to and comprising part of the land described in the First part of the Schedule hereto for the purpose aforesaid and is further authorised to do all things necessary to give effect to such dedication.

6. This Ordinance may be cited as "The St. John's Beecroft Land Mortgaging Ordinance, 1950."

THE SCHEDULE.

FIRST PART.

All that piece or parcel of land situated at Beecroft in the Parish of Field of Mars County of Cumberland having a frontage to Beecroft Road of 141 feet and a frontage to Chapman Avenue of 175 feet 9 inches having an area of 2 roods 7 $\frac{1}{4}$ perches being Lot "A" as shown on Plan of Subdivision prepared by Frank Chapman of 33 Hunter Street, Sydney, Surveyor, dated 14th August, 1950 and approved by the Shire of Hornsby in its Certificate No. 2141 dated 25th September, 1950, and being part of the land comprised in Certificate of Title Registered Volume 1407 Folio 201.

SECOND PART

All that piece or parcel of land situated at Beecroft in the Parish of Field of Mars County of Cumberland having a frontage to Chapman Avenue of 119 feet by a depth of 140 feet 6 inches containing an area of 1 rood 21 $\frac{1}{4}$ perches and being Lot "B" as shown in the Plan of subdivision prepared by Frank Chapman, 33 Hunter Street, Sydney, Surveyor, dated 14th August, 1950, and approved by the Shire of Hornsby in its Certificate No. 2141 dated 25th September, 1950, and being part of the land comprised in Certificate of Title Registered Volume 1407 Folio 201.

THIRD PART.

All that piece or parcel of land situated at Beecroft in the Parish of Field of Mars County of Cumberland being Allotment 9 of Section 7 containing an area of 1 rood 28 perches and being the whole of the land comprised in Certificate of Title Registered Volume 2241 Folio 165.

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

ARTHUR L. WADE,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 3rd day of November, 1950.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

10/11/1950