



All Saints Church Lands Act 1924

Current as at 28 October 1924—revised version

Reprint note—

This reprint has been reformatted to reflect current drafting styles.

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Queensland

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All Saints Church Lands Act 1924

An Act to enable the trustees of the land comprised in certificate of title number 138235, being allotment 1 of section 27A, county of Stanley, parish of North Brisbane, in the City of Brisbane, granted upon trust for the appropriation thereof for Church of England purposes, to mortgage the said land or part thereof, and to apply the proceeds to the making of permanent improvements thereon; and for other consequential purposes

Preamble

WHEREAS by a deed of grant from the Crown numbered 12528 all that piece or parcel of land in the State, containing 1 ac, situated in the county of Stanley, parish of North Brisbane, City of Brisbane, being allotment 1 of section 27A and more particularly described in the said deed of grant, was granted to John Douglas Richard Fitzgerald Phelan and the Reverend Bowyer Edward Shaw and the survivors and survivor of them and his heirs for ever upon trust for the appropriation thereof for Church of England purposes and for no other purposes whatsoever, which said land is now held under certificate of title number 138235.

And whereas under and in pursuance of the Governor in Council's powers in that behalf the Governor in Council has heretofore from time to time appointed other trustees in the place of the said John Douglas Richard Fitzgerald Phelan and the Reverend Bowyer Edward Shaw, and the said land is now vested in Charles Outram Mant, Charles Warwick Watts, and Harry Macklin, as such trustees as aforesaid.

And whereas it is desirable that the trustees of the said land and their successors in office should have the powers hereinafter conferred upon them.

1 Short title

This Act may be cited as the *All Saints Church Lands Act 1924*.

2 Interpretation

In this Act—

synod means the synod of the branch of the Anglican Church in the diocese of Brisbane mentioned and described in the *Anglican Church of Australia Act 1895*, section 1 or any committee to which the synod may have delegated its functions under and for the purposes of this Act.

trustees means the said Charles Outram Mant, Charles Warwick Watts, and Harry Macklin and their successors in office who for the time being are trustees of the said land, and includes any person or association of persons whom the trustees may, in writing, whether generally or in any particular case, authorise to carry into effect the purposes and objects of this Act or any of them.

3 Power to trustees to mortgage land

- (1) In order to raise funds for effecting improvements or adding to improvements already effected on the said land, the trustees thereof may make application to the synod for liberty to raise such funds by means of a mortgage of the said land.
- (2) Such application shall be in writing, signed by the trustees or otherwise authenticated as the synod may require, and shall state—
 - (a) the amount of money proposed to be raised by means of a mortgage;
 - (b) the purpose for which it is necessary to raise such money;
 - (c) whether any and what mortgage, encumbrance, or charge already exists on or over the said land or any part thereof;

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- (d) if it is not proposed to mortgage the whole of the land—the portion thereof proposed to be mortgaged;
 - (e) the terms, conditions, and duration of the proposed mortgage;
 - (f) by what means it is proposed to liquidate the proposed mortgage and interest from time to time accruing due thereon, and what further security (if any) in addition to the said land or part thereof and improvements can be given.
- (3) Upon receipt of the said application the synod may cause such inquiries to be made with respect to the matter as it thinks proper.
 - (4) If the synod is satisfied that the application should be granted without any modification, or with such modifications as it deems to be in the best interests of the trust, the synod may, by resolution, grant liberty to the trustees to mortgage the said land or any specified part thereof in accordance with such application without modification or with such modifications as aforesaid; and the trustees shall be at liberty to effect such mortgage accordingly in pursuance of such resolution, notwithstanding any restriction contained or implied in the deed of grant or other instrument of title under which the said land is held by the trustees upon trust; and a mortgage so made shall be valid and effectual for all purposes.
 - (4A) A certificate under the seal of the synod to that effect shall be accepted as evidence that such resolution has been duly passed.
 - (5) Every such mortgage may contain a power of sale by the mortgagee, the mortgagee's executors, administrators, or assigns in case of default in payment of any principal or interest moneys secured by such mortgage or of breach of any of the conditions therein contained.

4 Application of mortgage money

All moneys raised by any such mortgage shall be applied to the purposes for which it has been raised and to no other purpose.

5 Power to let

The trustees may from time to time lease or let any building erected on the said land by means of moneys raised by mortgage as aforesaid, and all moneys received by the trustees in respect of any such lease or letting shall be applied in and towards the payment of interest from time to time accruing under any such mortgage and the repayment of the loan, and for such Anglican Church purposes in connection with All Saints Church as the trustees may think proper.

6 Exoneration of mortgagees

The receipt in writing of the trustees for any moneys advanced or paid to them in respect of any such mortgage, lease, or letting shall be a good and sufficient discharge for such moneys to the person advancing or paying the same, and the person shall not be required to see to the application nor be affected by the misapplication or non-application thereof.