

St. Peter's Woolloomooloo Mortgaging Ordinance of 1931.

No. 13. 1931.

AN ORDINANCE authorising the Mortgaging of certain lands situated in Forbes Street St. Peters Street and St. Peters Lane Woolloomooloo City of Sydney such land being more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance dated the Eleventh day of February 1875 Registered Number 153 Book 148 made between a Scottish Australian Investment Company Limited of the one part and Henry Connell Henry Bell and Thomas Baynes of the other part all that parcel of land being allotments Numbers Twenty-two Twenty-three and Twenty-four of Section Number Four of the Barham Estate comprising inter alia part of the land described in the Schedule hereto was conveyed to the said Henry Connell Henry Bell and Thomas Baynes upon trust to permit the Incumbent and Churchwardens for the time being of the Church of England known as St. Peter's Church to hold use occupy and possess the said land and all buildings then or at any time thereafter to be erected thereon or to receive the rents and profits and proceeds thereof and to apply the same for such purposes in connection with the said Church as they the said Incumbent and Churchwardens should from time to time deem most advisable AND WHEREAS by Indenture of Conveyance dated the Twenty-second day of September One thousand eight hundred and seventy Registered Number 838 Book 147 made between Martha Rogers of the one part and the said Henry Bell Henry Connell and Thomas Baynes of the other part all that parcel of land being allotment twenty-five Section 4 of the said Barham Estate (being other part of the land described in the Schedule hereto) was conveyed by the said Martha Rogers to the said Henry Bell Henry Connell and Thomas Baynes their heirs and assigns for ever AND WHEREAS by Indenture of Conveyance dated the Twenty-second day of September One thousand eight hundred and seventy Registered Number 837 Book 147 made between the said Martha Rogers of the one part and the said Henry Bell Henry Connell and Thomas Baynes of the other part all that parcel of land being allotment Number 26 Section 4 being other part of the land described in the Schedule hereto was conveyed to the said Henry Bell Henry Connell and Thomas Baynes their heirs and assigns

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for ever AND WHEREAS by Deed Poll or Declaration of Trust dated the fifth day of August one thousand eight hundred and seventy-six Registered Number 383 Book 161 the said Henry Bell Henry Connell and Thomas Baynes declared that they would stand possessed of the said allotments Numbers 25 and 26 Section 4 upon trust to permit the Incumbent and Churchwardens for the time being of the Church of England then known as St. Peter's Church to hold use occupy and possess the said land and all buildings then or at any time thereafter to be erected thereon or to receive the rents and profits and proceeds thereof and to apply the same for such purposes in connection with the said Church as they the said Incumbent and Churchwardens should from time to time deem most advisable AND WHEREAS by Deed Poll dated the fourth day of January 1899 Registered Number 680 Book 634 under the hands and seals of Mahlon Clark Cowlshaw and Robert George Higgins the then Trustees of the lands therein described comprising (inter alia) the lands described in the Schedule hereto the said Mahlon Clark Cowlshaw and Robert George Higgins did consent that the said property mentioned in the Schedule thereto and comprising (inter alia) the lands described in the Schedule hereto should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns subject to the Trusts affecting the same AND WHEREAS all the lands described in the Schedule hereto lie within the Parish of St. Peter's at Woolloomooloo aforesaid AND WHEREAS certain moneys are now owing for rates upon the lands described in the Schedule hereto and in order to pay the same it is necessary that money should be raised on the security of the lands described in the Schedule hereto and the buildings erected thereon and that the said lands and buildings shall be mortgaged to secure the repayment of any money so borrowed as aforesaid with interest thereon AND WHEREAS it is expedient that an advance of money not exceeding the sum of five hundred pounds should be obtained upon the security of the said lands and buildings for the purpose aforesaid AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to mortgage the lands described in the Schedule hereto Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and by the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 and in pursuance of the powers vested in Synod by the Constitutions for the management and good government

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of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it has become expedient and authority is hereby given to obtain from time to time an advance of money not exceeding the sum of five hundred pounds on the security of the lands comprised in the Schedule hereto and the buildings erected thereon.

2. That the said lands described in the Schedule hereto and the buildings erected thereon may from time to time be mortgaged to secure the repayment of the moneys so authorised to be borrowed as aforesaid.

3. That the amounts so to be from time to time raised shall be held by the Church of England Property Trust Diocese of Sydney and shall be applied by them as follows:—

(a) In payment of the costs and expenses of and incidental to this Ordinance and of any Mortgage or Mortgages executed in pursuance of this Ordinance.

(b) In payment of the rates taxes and other outgoings levied imposed or incurred in respect of the lands described in the Schedule hereto and in respect of any adjoining lands belonging to St. Peter's Church Woolloomooloo.

(c) In payment of Mortgage Interest and Synod Assessment.

4. This Ordinance shall be styled and cited as St. Peter's Woolloomooloo Mortgaging Ordinance of 1931.

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Parish of Alexandria County of Cumberland State of New South Wales being lots 23, 24, 25 and 26 Section 4 of the Barham Estate also the whole of the lands comprised in Conveyance dated 5th August 1876 Regd. No. 383 Book 161 and part of the land comprised in Conveyance dated 11th February 1875 Regd. No. 153 Book 148 commencing at the intersection of the western building line of Forbes Street with the southern building line of St. Peters Lane bounded thence on the north by part of that southern

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building line of S. Peters Lane bearing westerly 101 feet 3 inches to the north-eastern corner of Lot 22 Section 4 of the Barham Estate aforesaid bounded thence on the west by the eastern boundary of that lot bearing southerly 79 feet 1 inch to the northern building line of St. Peters Street bounded thence on the south by part of that building line bearing easterly 101 feet to the western building line of Forbes Street aforesaid and bounded thence on the east by part of that building line bearing northerly 78 feet 8 inches to the point of commencement.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Sixth day of October, 1931.

C. R. WALSH,

Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

8th October, 1931.