

*Bishopscourt Estate Mortgage.*

11894

AN ORDINANCE to authorise the Mortgage of certain land known as the Bishopscourt Estate situated at Randwick Parish of Alexandria and County of Cumberland in the Colony of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 28 September, 1894.)

WHEREAS by Deed Poll or Grant from the Crown bearing date (the eight day of January in the year of our Lord one thousand eight hundred and sixty six under the hand of His Excellency Sir John Young the Governor for the time being of the said Colony and under the Seal of the said Colony Her Most Gracious Majesty Queen Victoria did grant unto the Bishop of Sydney and his Successors (*inter alia*). All that piece or parcel of land in the said Colony containing by admeasurement fifty six acres one rood and six perches be the same more or less situated in the County of Cumberland Parish of Alexandria (near Coogee) commencing at the South East Corner of J. McLerie's four acres, and bounded on the North by the South boundary line of that land, bearing West eight chains to Power Street; on the West by that street, bearing South one chain and fifteen links, thence South thirty-four degrees eighteen minutes West twelve chains and eleven links to Nathan Street; thence by Nathan Street bearing South one chain and thirty-five links; South seventeen degrees thirty minutes East four chains and fourteen links; and thence South eight chains and fifty four links to Allison Street; on the South by that Street bearing East twenty seven chains and fifty six links to Brook Street; on the East and North East by that Street, bearing North five degrees forty two minutes East nine chains and ninety four links, West fifty eight degrees thirty nine minutes North three chains and eighty two links, and thence North thirty nine degrees

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forty minutes West seven chains and sixty seven links; to Susan Street; on the North by Susan Street, bearing West eight chains; and again on the East by a line bearing North six chains, dividing it partly from part of allotment No. 56 to the South East corner of J. McLerie's four acres aforesaid. To hold unto the Bishop of Sydney and his Successors for ever upon trust for the appropriation thereof as the site of an Episcopal residence for the Bishop of Sydney and his Successors. The said lands to be used and enjoyed as the site of an Episcopal residence and for gardens pleasure grounds and pasture lands in connection with the said Episcopal residence of the Bishop of Sydney for the time being. And an Episcopal residence was subsequently erected upon the said land.

And whereas under and by virtue of the authority of the "Church of England Trust Property Incorporation Act 1881" the said land was on or about the fourteenth day of November 1885 vested in the "Church of England Property Trust Diocese of Sydney." And whereas under and by virtue of the "Bishopscourt Sale and Leasing Act 1886" such portion of the said land as is described in the first Schedule to the said Act has been sold. And whereas the consent and sanction of the Synod of the Diocese of Sydney has been had and obtained to the sale of such portion of the said land as is described in the third Schedule to the said Act. And whereas with respect to the remainder of the said land (being the said fifty six acres one rood and six perches less the said portions described in the said first and third Schedules to the "Bishopscourt Sale and Leasing Act 1886") the Synod of the Diocese of Sydney did by Ordinance passed on the fourteenth day of April 1888 direct that the said land should be sold and that the proceeds arising from the said sale should be applied with the sanction of the

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"Church of England Property Trust Diocese of Sydney" and of the Standing Committee of Synod of the said Diocese (after the payment thereof of necessary costs and expenses) in or towards the satisfaction in whole or in part of the encumbrances authorised by the said "Bishopscourt Sale and Leasing Act 1886" and for other purposes in the said Ordinance mentioned. And whereas certain parts or portions of the said land have since been sold and with regard to the remainder of the said land being the land mentioned and described in the Schedule hereto it is expedient in the interests of the Church of England in this Diocese that until the said last mentioned land shall be sold an advance of money should be obtained upon the security of the same and that the proceeds thereof should be applied in manner hereinafter provided. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains declares directs and rules as follows:—

1. That it is expedient to obtain an advance of money upon the security of the land described in the Schedule hereto annexed for the purpose of carrying out and giving effect to the trusts or substituted purposes attached to the same.

2.—That the said land may be mortgaged for a sum not exceeding four thousand pounds which sum is hereby authorised to be obtained by way of advance on the security of the same.

3. That the sum so to be raised as aforesaid shall be paid to the "Church of England Property Trust Diocese of Sydney" and shall be applied (after the payment thereof

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of the cost charges and expenses of and incidental to this Ordinance and the mortgage of the said land in pursuance thereof) in or towards the satisfaction in whole or in part of the encumbrances authorised by the "Bishopscourt Sale and Leasing Act 1886."

4. That the said land may be mortgaged from time to time for the purpose of raising any sum or sums which shall be applied in the discharge or renewal of the first mentioned mortgage or any mortgage or mortgages raised in substitution for the purpose of discharging the same and of any interest accrued thereon.

5. That this Ordinance shall not come into force or take effect unless and until provision shall have been made to the satisfaction of the Standing Committee of the Synod for the due payment of interest to accrue due in respect of the mortgage hereby authorised of which provision having been made the Certificate in writing under the hand of the Registrar of the Diocese of Sydney for the time being shall be sufficient evidence.

6. This Ordinance shall be styled and cited as "The Bishopscourt Estate Mortgage Ordinance of 1894."

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SCHEDULE.

All that piece or parcel of land situated at Randwick in the Parish of Alexandria and County of Cumberland commencing at the intersection of Susan Street and Carlington Road at the North West corner of lot one of section one on deposited plan 2507 and bounded on the West and North West by the said road being lines bearing Southerly and South Westerly and comprising the Western and North Western boundaries of lots one, two and three of section one on said plan and a continued line of 950.3 links; again on the West by said road being

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lines bearing Southerly 135 links, South Easterly four hundred and fourteen links, and again Southerly eight hundred and fifty four links to Allison Street, on the South by that Street bearing Easterly two thousand seven hundred and fifty six links to Brook Street, on the East by that Street bearing Northerly nine hundred and ninety four links, on the North East by that Street being the North Eastern boundaries of lots seventeen to eleven inclusive of Section two on said deposited plan again on the North West, again on the North East, and on the South East by lots nine and ten of section two on said plan, again on the North East by Brook Street North Westerly to Susan Street, on the North by that Street Westerly to the North East corner of lot one of section two on said Plan, again on the West by the Eastern boundary of that lot, again on the North by a line Westerly to the South West corner of lot thirteen of section one on said plan, again on the East by the Western boundary of that lot Northerly to Susan Street aforesaid, and again on the North East and North by that Street North Westerly and Westerly to the point of commencement.

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