
*The Council of St. Catherine's School Waverley (Mortgaging)
Ordinance 1957.*

No. 51, 1957.

AN ORDINANCE to make provision for the acquisition of certain land in Albion Street Waverley; to authorise the mortgaging of certain land in Waverley and to provide for the application of the proceeds; to repeal the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 and certain ordinances amending the said ordinance, and for other purposes connected therewith.

WHEREAS by the St. Catherine's Clergy Daughters' School Ordinance 1922 the land described in the First Schedule hereto being Crown Grant dated September 15th 1857 was vested in the Church of England Property Trust Diocese of Sydney subject to the trusts to which such property was then subject.

AND WHEREAS part of the land described in the First Schedule hereto being the land described in the Second Schedule hereto was resumed by the Municipal Council of Sydney for the purpose of an electricity sub-station and the balance thereof (hereinafter designated the "School Site") is still subject to the same trusts.

AND WHEREAS by the said Ordinance the Synod of the Diocese inter alia named the Institution referred to in the preamble thereto as the St. Catherine's Clergy Daughters' School and constituted a Council of the said School and provided for the management of its affairs.

AND WHEREAS for the purposes of making certain additions to and acquiring additional property for the said School and for other purposes connected therewith authority was given by the provisions of the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 as amended by the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 Amending Ordinance 1940 the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 Amending Ordinance 1951 and the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1953 to mortgage the whole or part of certain land therein described for a sum not exceeding Fifteen thousand pounds (£15,000).

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AND WHEREAS there is now owing the approximate sum of Ten thousand five hundred and thirty-four pounds (£10,534) secured by the said mortgage.

AND WHEREAS by the St. Catherine's Clergy Daughters' School (Change of Name and Council Incorporation) Ordinance 1955 the name of the said School was changed to St. Catherine's School, Waverley, and the said Synod did thereby declare that it was expedient for the purpose of managing governing or controlling St. Catherine's School Waverley an institution or organisation of the Church of England that the persons who for the time being are members of the unincorporated body of the Council of St. Catherine's School Waverley should be constituted a body corporate under the name of "The Council of St. Catherine's School Waverley."

AND WHEREAS by Order dated the 26th June 1957 published in the Government Gazette No. 79 of the 19th July 1957 His Excellency the Governor with the advice of the Executive Council and in pursuance of the provisions of subsection three of section four of the Church of England (Bodies Corporate) Act, 1938, did thereby declare that the persons named in the Schedule thereto being the persons who for the time being were members of the unincorporated body known as "The Council of St. Catherine's School Waverley" constituted by the St. Catherine's Clergy Daughters' School Ordinance 1922 shall as from the date of publication in the Government Gazette of the said Order be a body corporate under the name of "The Council of St. Catherine's School Waverley" (hereinafter called "the Council") such being the name set out in the St. Catherine's Clergy Daughters' School (Change of Name and Council Incorporation) Ordinance 1955 of the said Synod.

AND WHEREAS subject to the provisions of the Church of England (Bodies Corporate) Act 1938 the School Site is vested in the Council.

AND WHEREAS it is expedient to acquire certain land situate and fronting Albion Street Waverley (more particularly described in the Third Schedule hereto) together with the dwelling and other improvements erected thereon known as No. 24 Albion Street Waverley and to renovate repair maintain alter and make the same suitable for the purposes of the said school.

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AND WHEREAS the Council is the purchaser under a certain Contract dated the 18th day of November 1957 from Richard St. John Honner of the said land and premises more particularly described in the Third Schedule hereto for the sum of Fifteen thousand pounds (£15,000).

AND WHEREAS the equitable interest of the lastly mentioned land and premises is Church Trust property held for the sole benefit of the Council.

AND WHEREAS it is necessary and expedient that the School Site and the land comprised in the Third Schedule hereto be mortgaged to provide funds to rearrange the finances of the said School to complete the purchase and renovate repair maintain alter and make the premises known as 24 Albion Street Waverley suitable for the purposes of the said school.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. The St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 Amending Ordinance 1940 the St. Catherine's Clergy Daughters' School (Mortgaging) Ordinance 1936 Amending Ordinance 1951 and the St. Cath-erines' Clergy Daughters' School (Mortgaging) Ordinance 1953 are hereby repealed provided that such repeal shall not affect any property powers rights authorities duties functions liabilities or obligations of the Council or render defective any legal or other proceedings instituted or to be instituted by or against the Council.

2. By reason of the circumstances subsequent to the creation of the trusts to which the School Site and the land comprised in the Third Schedule hereto are subject it is expedient that such lands be mortgaged.

3. (1) The Council is hereby empowered to mortgage from time to time the whole or any part or parts of the said School Site and the land comprised in the Third Schedule hereto by one or more mortgages and/or securities for the purposes of borrowing:—

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- (a) When the power is first exercised a sum not exceeding Twenty-five thousand pounds (£25,000).
 - (b) When the power is subsequently exercised such sum not exceeding twenty-five thousand pounds (£25,000) subject to such terms of repayment as the Standing Committee shall by Resolution determine Provided that such debt shall be reduced at the rate of not less than Two thousand five hundred pounds (£2500) per annum as from the date of the first borrowing but no mortgagee advancing money in pursuance of this Ordinance shall be concerned or obliged to see that this proviso is complied with.
- (2) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (3) A document purporting to be certified by the Archbishop or Secretary of Standing Committee 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.

4. The proceeds of any mortgage hereby authorised shall be applied by the Council as follows:—

- (a) When the power is first exercised under this Ordinance in payment of the costs charges and expenses of and incidental to this Ordinance and any such mortgage executed in pursuance thereof.
- (b) In repaying any outstanding amounts of money borrowed or secured upon the said lands or any part thereof pursuant to the ordinances or any of them hereby repealed.
- (c) In completing the purchase of the land and premises situate and known as 24 Albion Street Waverley and in renovating repairing maintaining altering and making the same suitable for the purposes of the said School so far as the same will extend.

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- (d) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or mortgages.

5. This Ordinance shall be styled and cited as "The Council of St. Catherine's School Waverley (Mortgaging) Ordinance 1957."

THE FIRST SCHEDULE.

All that piece or parcel of land in the State of New South Wales containing by admeasurement three acres two roods and three perches situate in the County of Cumberland Parish of Alexandria near Waverley commencing at the South-West corner of J. McLeries' three acres three roods and twenty four perches on the South-East side of the Frenchman's Road and bounded on the North-West by the Frenchman's Road bearing South thirty-one degrees West five chains and forty-five links to its junction with Nelson Road; on the South by Nelson Road bearing East eight chains and ninety-three links to the South-West corner of the Church of England Parsonage allotment. On the East by the Western boundary lines of that allotment and of the Church allotment bearing North in all four chains and sixty-eight links; and on the North by part of the Southern boundary line of J. McLeries' three acres three roods and twenty-four perches aforesaid bearing West six chains and thirteen links to the corner of commencement on the Frenchman's Road aforesaid.

THE SECOND SCHEDULE.

All that piece of land situated in the Municipality of Waverley Parish of Alexandria County of Cumberland State of New South Wales and containing an area of $1\frac{1}{2}$ perches commencing at the North-Western corner of Lot 13 Deposited Plan No. 2049 such corner being the intersection of the Western and Southern sides of a lane 20 feet wide leading from Leichhardt Street and bounded thence on the South by a line bearing 281 degrees 33 minutes 25 seconds for 26 feet on the West by a line bearing 11 degrees 33 minutes 25 seconds for 20 feet on the North by a line

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bearing 101 degrees 33 minutes 25 seconds for 26 feet and thence on the East by part of the Western side of the lane 20 feet wide aforesaid bearing 191 degrees 35 minutes 25 seconds for 20 feet to the point of commencement.

THE THIRD SCHEDULE.

All that piece or parcel of land situate in the Municipality of Waverley Parish of Alexandria and County of Cumberland having a frontage of 130 feet 3½ inches to Albion Street by a depth on one side of 282 feet 3¼ inches and on the other side of 240 feet 1¾ inches and a rear measurement of 126 feet 0¼ inch (be the said measurements all a little more or less) being Lots 14 and 15 and part of Lot 16 of Maxwell's subdivision in Application No. 30046 and being the whole of the land comprised in Certificate of Title Registered Volume 4341 Folio 130.

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

WALTER S. GEE,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 25th day of November, 1957.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

27/11/1957.