

*St. Thomas', North Sydney, Land Mortgage.*

511904  
 AN ORDINANCE to authorise the mortgaging of certain land situate in the Town of St. Leonards Parish of Willoughby and County of Cumberland in the State of New South Wales and to provide for the application of the proceeds thereof.

*(Assented to 6 October, 1904.)*

WHEREAS by a grant from the Crown under the hand of Sir Charles Fitzroy dated the ninth day of November one thousand eight hundred and forty-six the piece of land described in the first Schedule hereto was granted unto Thomas Walker, James Milson the younger, Charles Younger, Conrad Martens and Joseph Taylor Armitage at a quit rent of one farthing upon trust for the appropriation thereof as the site of a Dwelling House garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland as by law established erected at St. Leonards in conformity with the provisions of an Act intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and of a certain other Act of the Government and Legislative Council of the territory of New South Wales made and passed in the seventh year of the reign of His late Majesty King William the Fourth intituled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" so far as the same may apply to the trusts of the grant now in recital and for no other purpose whatsoever subject to certain conditions imposed thereby as to the construction of drains and otherwise. And whereas in or about the year one thousand eight hundred and eighty-six the said piece of land described in the first Schedule hereto became duly vested in the Church of England Property Trust Diocese of Sydney

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And whereas the piece of land described in the second Schedule hereto adjoins the said piece of land described in the said first Schedule and has been for many years fenced in and used with the said piece of land described in the said first Schedule. And whereas the said Church of England Property Trust Diocese of Sydney having (by virtue of continuous possession thereof on the part of themselves and their predecessors in title the Trustees of the land described in the first Schedule hereto) become entitled to the land described in the said second Schedule made an application to the Registrar-General for and duly obtained the issue of a Certificate of Title in their favor to (*inter alia*) the said land such Certificate of Title being dated the second day of October one thousand nine hundred and three and registered Volume 1493, Folio 86 And whereas it is considered desirable to erect a house upon the said piece of land described in the second Schedule hereto as a Dwelling for the assistant Clergyman of the Church of St. Thomas. And whereas in order to enable the Rector and Churchwardens of the said Church of St. Thomas to erect the said house as aforesaid it is necessary that sufficient money should be raised for the purpose aforesaid by mortgage over the piece of land comprised in the second Schedule hereto to secure the repayment of any money so borrowed as aforesaid with interest thereon. And whereas the Rector and Churchwardens of the Church of St. Thomas aforesaid have in writing consented to this Rule and Ordinance. And whereas it is expedient that an advance of money not exceeding the sum of seven hundred pounds should be obtained upon the security of the said land comprised in the second Schedule hereto for the purpose of building the said house and premises as aforesaid. 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

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State 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 not exceeding seven hundred pounds which sum is hereby authorised to be obtained on the security of the land comprised in the second Schedule hereto and the house and buildings to be erected thereon.

2. That the said parcel of land described in the second Schedule hereto together with the house and other buildings to be erected as aforesaid and the appurtenances may be mortgaged to secure the repayment of the money so to be borrowed as aforesaid.

3. That the amount so to be raised shall be paid to the Rector and Churchwardens for the time being of the said Church and shall be by them applied for or towards the building of the said house upon the said land.

4. That the said parcel of land house and appurtenances may be mortgaged from time to time for the purpose of raising any sum not exceeding seven hundred pounds with which to discharge or in connection with the renewal of the mortgage now authorised on any mortgage or mortgages raised in substitution for the purpose of discharging same and any interest accrued in respect thereof.

5. This Ordinance may be styled and cited as the "St. Thomas Church North Sydney Additional Land Mortgage Ordinance of 1904."

THE FIRST SCHEDULE.

All that piece or parcel of land in the State of New South Wales containing by admeasurement two roods be the same more or less situated in the County of Cumberland Parish of Willoughby and Town of St. Leonards being allotment No. three of Section No. nine commencing on the Northern side of McLaren Street at the South

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Western corner of allotment four and bounded thence on the South by that Street Westerly one chain on the West by the Eastern boundary line of allotment two Northerly at right angles to McLaren Street five chains and six links on the North by the Southern boundary of allotment fourteen Easterly parallel with McLaren Street one chain and on the East by the Western boundary line of allotment four aforesaid Southerly at right angles to McLaren Street five chains and six links to the point of commencement.

THE SECOND SCHEDULE.

All that piece of land situated in the Town of St. Leonards now North Sydney Borough of North Sydney, Parish of Willoughby and County of Cumberland containing twenty-six and three-quarter perches or thereabouts commencing on the Northern building line of McLaren Street at the South Western corner of land of W. A. Hagon and bounded thence on the South by that building line bearing Westerly twenty-five feet to other land of the said The Church of England Property Trust Diocese of Sydney on the West by that land bearing Northerly three hundred and thirty-four feet seven inches to land of Dr J. C. Shand on the North by part of that land being a fenced line bearing Easterly nineteen feet six inches to W. A. Hagon's land aforesaid and on the East by part of that land being lines bearing Southerly sixty-six feet five inches and two hundred and sixty-eight feet four inches to the point of commencement being part of allotment three of section nine originally granted to Thomas Walker, James Milson the younger, Charles Younger, Conrad Martens and Joseph Taylor Armitage by Crown Grant dated the ninth day of November one thousand eight hundred and forty-six and being part of the land comprised in Certificate of Title dated the second day of October one thousand nine hundred and three registered volume 1493 folio 86.