

*St. James', Sydney, Land Mortgage.*

1902

AN ORDINANCE to authorise the obtaining of an advance, in addition to that the obtaining of which was authorised by the "St. James', Sydney Parish Hall Ordinance of 1899," upon the security of allotments fourteen and fifteen of Section forty in the City of Sydney, and the mortgaging of the said land and the buildings thereon and appurtenances as such security, and to direct the application of the additional money to be so obtained.

*(Assented to 23 September, 1902)*

WHEREAS in pursuance of the provisions of the St. James' School Compensation Trust Act" (1886) the lands described in the Schedule to the "St. James' Sydney Parish Hall Ordinance of 1899" and being allotments fourteen and fifteen of Section forty in the City of Sydney with the buildings and appurtenances thereon and thereto belonging were by Indenture of Release bearing date the twenty-fourth day of February in the year of our Lord one thousand eight hundred and eighty-seven and made between the Right Reverend Alfred Barry, the Very Reverend William Macquarie Cowper and the Honorable Edward Knox the then Trustees of the will of Thomas Moore of the one part and the Church of England Property Trust Diocese of Sydney (hereinafter called the said Corporation) of the other part granted released and conveyed unto the said Corporation to be held by it upon the trusts by the said Act declared of and concerning the same. And whereas there were at the time of the grant release and conveyance aforesaid and still are upon the said lands a building now known as St. James' Parish Hall and certain other buildings And whereas by the "St. James' Sydney Parish Hall Ordinance of 1899" it was after the requisite declarations by the Synod of the Diocese of Sydney in that behalf made

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directed ordained and ruled that it should be lawful for the Church of England Property Trust Diocese of Sydney (hereinafter called the said Corporation) to cause the buildings then on the said lands or any part or parts thereof to be demolished and to cause the erection of certain other buildings on the same and to effect certain alterations improvements and additions to the buildings then or at any time thereafter erected upon the said lands and authorised the said Corporation to obtain an advance of any sum not exceeding four thousand pounds upon the security of the said lands and the buildings then or thereafter erected thereon with the appurtenances for the purpose of carrying out such building alterations improvements and additions and directed ordained and ruled that the said lands buildings and appurtenances should and might be mortgage freed from the said trusts to secure the repayment of the said sum of four thousand pounds or other less sum which might in exercise of the aforesaid authority be borrowed on such security together with interest on such sum, and to secure the repayment with interest of any sum or sums of money which it might be necessary to raise for the purpose of discharging or in connection with the renewal of the mortgage thereinbefore authorised or any mortgage executed in substitution or part substitution therefor And that the sum or sums so to be raised should be paid to the Incumbent and Churchwardens for the time being of the said Parish and by them applied in or towards (*inter alia*) the demolition building alterations improvements and additions aforesaid And whereas it has been found impossible to adequately carry out the purposes to which the application of such advance was so as aforesaid directed ordained and ruled at a cost of only four thousand pounds and that to do so an advance of in all six thousand pounds or thereabouts is required And whereas there being no Paro-

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chial Council of the said Parish the consent of the Incumbent and of a majority of the Churchwardens of the said Parish to the passing of this Ordinance has been given in writing under their respective hands. 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 the powers vested in the said Synod by the Church of England Property Act of one thousand eight hundred and eighty-nine and with the consent aforesaid doth declare direct ordain and rule as follows:—

1. It appears to the said Synod that it is expedient to obtain an advance of two thousand pounds, in addition to the advance of four thousand pounds, the obtaining of which has so as aforesaid been authorised by the "St. James', Sydney, Parish Hall Ordinance of 1899," upon the security of the said lands so as aforesaid described in the Schedule to such Ordinance, and the buildings now or hereafter erected thereon with the appurtenances for the purpose of carrying out in whole or in part the demolition building alterations improvements and additions by such Ordinance directed and carrying out and giving effect to other the purposes by such Ordinance attached to such lands buildings and appurtenances and to obtain a fresh advance, or from time to time fresh advances, on the like security of such sum or sums as may be necessary for discharging, or in connection with the renewal of, the mortgage by which the said first mentioned advance may be secured, or any mortgage executed in substitution or part substitution therefor. And the said Corporation is hereby authorised to obtain such additional advance and advances respectively.

2. The said lands, together with the buildings aforesaid and the appurtenances, shall and may be mortgaged

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to secure the repayment of the said additional sum of two thousand pounds, so to be obtained as aforesaid, or any less sum which may in exercise of the authority hereinbefore conferred be borrowed on the aforesaid security together with interest thereon.

3. The said lands, buildings and appurtenances shall and may be mortgaged from time to time to secure the repayment with interest of any sum or sums of money not exceeding six thousand pounds which it may be necessary to raise for the purpose of discharging, or in connection with the renewal of, the mortgage hereinbefore authorised, or any mortgage executed in substitution or part substitution therefor.

4. The sum or sums so as aforesaid to be raised by way of advance or advances, in addition to the said sum of four thousand pounds, shall be paid to the Incumbent and Churchwardens for the time being of the said Parish and shall be by them applied (after payment thereof of the costs, charges and expenses of this Ordinance, and of obtaining such advance or advances and completing a mortgage or mortgages in pursuance thereof), in or towards the demolition building alterations improvements and additions aforesaid, and other the purposes by the said Ordinance attached to such lands, buildings and appurtenances, and in or towards the discharge of the then existing mortgages hereby authorised.

5. This Ordinance may for all purposes be cited as the "St. James', Sydney, Parish Hall Ordinance of 1902."

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