

St. Thomas North Sydney Land Mortgage.

4/1898

AN ORDINANCE to alter the trust of certain land and to authorise the mortgage of certain other land in the Parish of St. Thomas, North Sydney, upon which is erected the Parsonage and other buildings and appurtenances.

(Assented to 23 September, 1898.)

WHEREAS by a Grant 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 part of 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 Governor 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 by a Grant 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 second part of the first Schedule hereto was granted unto

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Thomas Walker, James Milson the younger, Charles Younger, Conrad Martens, and Joseph Taylor Armitage, at the quit rent of one farthing for ever, upon trust for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established, and for no other purpose whatsoever, on condition that the grantees should conform to the Government Regulations for the time being, and to the laws and regulations then or thereafter to be in force for the better regulating the alignment of streets in the said territory, so far as the same might be applicable. And whereas shortly after the date of the before recited Crown Grants a Parsonage with other buildings was erected partly upon the land comprised in the first part of the first Schedule hereto, and partly upon the land comprised in the second part of the same Schedule, but a portion only of the land comprised in the second part of the said Schedule, has been fenced in, and is now occupied in connection with the said Parsonage, whilst the other portion of the land comprised in the second part of the said Schedule has been for many years past and is now used for purposes in connection with the Church of St. Thomas, except as next hereinafter stated. And whereas a portion of the School buildings erected in connection with the said Church has been built upon the Church land, whilst the remainder of the School building has been erected upon so much of the land described in the secondly recited grant as is not comprised in the second Schedule hereto. And whereas the piece of land upon which the Parsonage has been erected as aforesaid, as also the land fenced in and held in connection therewith, is more accurately described in the second Schedule hereto, as evidenced by a recent survey thereof. And whereas it has become inexpedient to use for School purposes that portion of the School land comprised in the second Schedule hereto, which has

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hitherto been devoted to and used in connection with the said Parsonage. And whereas in consequence of the defective structural condition of the said Parsonage, and of its alleged unsuitability for occupation as a residence, it is necessary that the present building should be demolished, and new and suitable buildings for use as a Parsonage should be erected in place thereof upon the land comprised in the second Schedule hereto. And whereas in order to enable the Incumbent and Churchwardens of the Church of St. Thomas to replace the present Parsonage and buildings with other buildings of a more suitable character as aforesaid, it is necessary that sufficient money should be raised for the purposes 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 it is considered desirable that such direction as is hereinafter contained, should be made in relation to so much of the land granted for School purposes as aforesaid as is used in connection with the said Parsonage. And whereas the Incumbent and Churchwardens of the Church of St. Thomas aforesaid have in writing consented to this Rule and Ordinance. And whereas it appears to the Synod of the said Diocese of Sydney that it is expedient that an advance of money not exceeding the sum of one thousand pounds should be obtained upon the security of the said land comprised in the second Schedule hereto for the purpose of rebuilding the said Parsonage 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 Colony of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" ordains, directs, and rules as follows:—

1. That as to so much of the land comprised in the

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secondly recited Grant as is included in the land described in the second Schedule hereto, and which was granted for School purposes as aforesaid, it has by reason of circumstances which have occurred since the creation of the said trust become inexpedient to carry out or observe the particular purpose to which such land is devoted by the terms of the secondly recited Crown Grant, and that it is expedient the said land should be used in connection with the said Parsonage.

2. That it is expedient to obtain an advance of money not exceeding one thousand pounds, which sum is hereby authorised to be obtained on the security of the land comprised in the second Schedule hereto, and the Parsonage and buildings to be erected thereon.

3. That the said parcel of land described in the second Schedule hereto, together with the Parsonage 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.

4. That the amount so to be raised shall be paid to the Most Reverend the Archbishop of Sydney, and shall be by him applied, (after payment thereof of the costs, charges and expenses of and incidental to this Ordinance and the mortgage of the said land in pursuance thereof), for or towards the rebuilding of the Parsonage on the said land.

5. That the said parcel of land, Parsonage buildings and appurtenances may be mortgaged from time to time for the purpose of raising any sum with which to discharge, or in connection with the renewal of the mortgage now authorised, or any mortgage or mortgages raised in substitution for the purpose of discharging same, and any interest accrued in respect thereof.

6. This Ordinance may be styled and cited as the "St. Thomas Church, North Sydney, School and Parsonage Land Mortgage Ordinance."

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THE FIRST SCHEDULE.

THE FIRST PART.

All that piece or parcel of land in the Colony of New South Wales containing by recent admeasurement two rods, 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-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 PART.

All that piece or parcel of land in the said Colony containing by admeasurement two roods or thereabouts, situated in the County, Parish, and Town aforesaid, being allotment No. two of Section No. nine, commencing on the Northern side of McLaren Street, at the South-Western corner of allotment three, and bounded thence on the South by that Street, Westerly one chain on the West by the Eastern boundary line of allotments one and twenty being in all a line Northerly at right angles to McLaren Street five chains and six links on the North by the Southern boundary of allotment fifteen easterly parallel with McLaren Street one chain and on the East by the Western boundary line of allotment three aforesaid Southerly at right angles to McLaren Street five chains and six links to the point of commencement.

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THE SECOND SCHEDULE.

All that piece or parcel of land situated in McLaren Street, Town of St. Leonards, Parish of Willoughby, County of Cumberland, Colony of New South Wales, containing by admeasurement three roods, one and a half perches, being Lot three Section nine, and part of Lot two, of Section nine commencing at a point on the Northern building line of McLaren Street aforesaid, distant ninety-two feet Easterly from Church Street, and bounded thence on the South by the Northern building line of McLaren Street aforesaid, bearing Easterly seventy-four feet four inches to the South-East corner of Lot three aforesaid, thence on the East by the Eastern boundary of Lot three aforesaid, being a line bearing North-erly three hundred and thirty-four feet eight and a quarter inches, thence on the North by a line bearing West-erly fifty-four feet seven and a quarter inches thence again on the North by a line bearing West-erly sixty-eight feet one and three-quarter inches, thence on the West by fenced lines bearing respectively Southerly sixteen feet, and one hundred and three feet eight and a quarter inches, thence on the South West by a line bearing South-Easterly eighteen feet three and a quarter inches, again on the West by lines bearing Southerly forty-five feet, and one hundred and sixty-one feet eight and a half inches to the point of commence-ment, be the said several dimensions a little more or less.
