
Ryde School Land Mortgage.

13/1915

AN ORDINANCE to authorise the mortgage of certain land situate at Ryde in the County of Cumberland and to provide for the application of the moneys to be advanced and to amend the St. Anne's Ryde Land Leasing Ordinance 1910.

WHEREAS by virtue of an Indenture of Conveyance bearing date the eighth day of May One thousand eight hundred and thirty-nine made between James Devlin and Susanna Devlin of the first part Thomas Small and Priscilla Small of the second part and the Bishop of Australia of the third part Registered Number 355 Book P the land and hereditaments described in the Schedule hereto were assured unto and to the use of the Bishop of Australia and his successors Bishops of Australia for ever subject to the annual quit rent payable to the Crown and to the other rights of the Crown AND WHEREAS the said land was vested in the Bishop of Australia UPON TRUST for the site of a school house master's residence and appurtenances in connection with the Church of England and Ireland subject to the control and supervision of the Bishop of the Diocese for the time being and also to the rules and regulations of the Denominational School Board AND WHEREAS a sufficient area of land has been provided within the said Parish for the purposes of the aforesaid Trust and the land described in the Schedule hereto is at present and has for some time past been unused and unproductive and the Church of England in the said Parish is being deprived of revenue which should be derivable from the same AND WHEREAS by the St. Anne's Ryde Land Leasing Ordinance of 1910 it was declared that by reason of circumstances which had arisen since the creation of the said recited Trust it had become inexpedient to carry out or observe the particular purpose or purposes to which the said land was by the said Trust devoted and that it had become expedient to let the same and the said Trustees were thereby empowered to let the said land freed from the said trusts AND it was further provided that the rent profits and income derivable from any such lease or leases should be applied in manner in the said Ordinance set forth AND WHEREAS it has become inexpedient to carry out or observe the particular purposes to which the said land is by the

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said original and substituted trusts devoted AND WHEREAS it is considered desirable to amend the St. Anne's Ryde Land Leasing Ordinance of 1910 in manner hereinafter appearing AND WHEREAS it is considered desirable to erect upon the said land certain buildings with a view to utilising such land to better advantage and for such purpose it is expedient that an advance of money should be obtained upon the security of a mortgage or mortgages thereof and that the money to be so advanced should be applied in or towards the cost of the erection of such buildings 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 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. By reason of circumstances which have occurred since the creation of the said recited Trusts it has become inexpedient to carry out or observe the particular purpose or purposes to which the said land described in the Schedule hereto is by the said Trusts devoted.

2. The Archbishop of Sydney as Trustee of the said land (hereinafter called the said Trustee) is hereby authorised to utilise the said land or any part or parts thereof for the purpose of erecting thereon any such building or buildings as he may deem desirable and for the purpose of gardens yards or enclosure for other purposes with any such building or buildings but so that the income arising from any such land and buildings shall be henceforth applied in manner hereinafter provided.

3. For the purpose of carrying out the erection of such building or buildings it is expedient to obtain an advance of money upon the security of the said land or any portion or portions thereof and the buildings erected or to be erected thereon and the said Trustee is hereby authorised to obtain an advance upon the security of the same of any sum or sums of money not exceeding in the whole the sum of three thousand pounds. The said advance may be obtained in one or several sums and upon the security of one mortgage over the whole or upon one or several mortgages over any portion or portions of the said land.

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4. The said land or any portion or portions thereof together with the buildings erected or to be erected thereon and the appurtenances thereof may be mortgaged freed from the aforesaid trusts to secure the repayment of the money so to be borrowed as aforesaid together with the interest payable in respect thereof.

5. The amount so to be advanced shall be paid to the said Trustee and shall be applied after the payment therefrom of the costs and expenses of and incidental to this Ordinance and the preparation and completion of any mortgage or mortgages to be executed in connection with such advance for or towards the cost of erecting any such building or buildings upon the said land.

6. That any mortgage in pursuance of the powers hereby given may be renewed from time to time and the said land and buildings erected thereon may be mortgaged from time to time in connection with any such renewal or for the purpose of raising any sum or sums not exceeding in the whole the said sum of three thousand pounds with which to discharge the mortgage hereinbefore authorised or any other mortgage or charge given or executed in pursuance of the powers herein contained.

7. The income to be derived from the said land and buildings shall be applied in the first place in or towards the payment of all rates taxes and assessments of any nature whatsoever which may at any time become payable in respect of the said land and in the payment of all outgoings for the insurance maintenance repair and upkeep of the said buildings or the fences erected on the said land or otherwise incurred in respect thereof and of the interest from time to time payable in respect of any mortgage or mortgages over the said land or any part thereof and any costs charges or expenses incurred in respect of any such mortgage or mortgages or the renewal or discharge thereof and subject to the payment of the above the net income shall be appropriated in or towards the cost of any alterations or additions to or the maintenance upkeep and repair of any school house now or hereafter held upon trust for the Church of England in the said Parish and subject thereto in or towards the repayment of the principal sum or sums secured until the whole of such principal sum or sums shall have

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been repaid and after the repayment of such principal sum or sums the net income to be derived from the said land and buildings shall be applied to such purposes as may hereafter from time to time be determined by this Synod and subject to any such determination may be paid to the authority for the time being empowered by the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same to control funds and property of the Parish of St. Anne's Ryde and be applied by such authority in or towards such general purposes in the said Parish as they may in their absolute discretion think fit.

8. The rent profits and income payable under or derivable from any lease or leases of the land described in the First Schedule to the St. Anne's Ryde Land Leasing Ordinance 1910 may in addition to the purposes to which the same may be applied under the said Ordinance be applied in or towards the payment of all rates taxes and assessments of any nature whatsoever which may at any time become payable in respect of such land and of all sums payable in respect of the insurance of or for repairs alterations or additions to any building or buildings now or hereafter erected on the said land or for the purpose of meeting any other outgoings of any nature whatsoever from time to time payable in respect of the said land or buildings or fences erected thereon or any part thereof.

9. The provisions of Clause 3 of the St. Anne's Ryde Land Leasing Ordinance 1910 shall not be deemed to apply to any part of the said land which shall have been utilised in manner provided by Clause 2 of this Ordinance and the said Ordinance is hereby amended accordingly.

10. This Ordinance may be styled and cited as the "St. Anne's Ryde Land Mortgage Ordinance of 1915."

THE SCHEDULE.

All that piece or parcel of land situate lying and being in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less commencing at a point at the intersection of

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the South-east building line of Belmore Street with the North-east building line of Glebe Street and bounded thence on the South-west by Glebe Street aforesaid bearing ninety-four degrees forty-eight minutes one hundred and seventy-three feet three and one-half inches thence on the South-east by a line bearing four degrees forty-eight minutes eighty-one feet eight and one quarter inches thence again on the South-west by a line bearing ninety-four degrees forty-eight minutes one hundred and thirty-two feet five and one-half inches to a lane thence again on the South-east by the said lane bearing thirty-six degrees twenty-three minutes one hundred and forty-seven feet one and one-quarter inches thence on the North-east by a line bearing two hundred and eighty-four degrees three minutes one hundred and seventy-nine feet ten and one-half inches to Belmore Street aforesaid and thence on the North-west by Belmore Street aforesaid by lines bearing two hundred and eleven degrees forty-seven minutes seventy-three feet one and three-quarter inches and two hundred and thirty degrees one minute two hundred and forty-two feet four and one-half inches to the point of commencement and containing in area three roods twenty-two and one-half perches.

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

E. W. MOLESWORTH,
Chairman of Committees.

We certify that this Ordinance was passed on 10th September, 1915.

E. CLAYDON } *Secretaries of*
W. R. BEAVER } *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.