

ORDINANCE. ST. THOMAS' NORTH SYDNEY.

(As Passed.)

AN ORDINANCE to authorise the mortgaging and leasing of certain lands situated in the Parish of Willoughby North Sydney the demolition and sale of certain buildings thereon to declare the trust of the said lands and to provide for the application of the rents and proceeds arising from the said leasing and mortgaging.

WHEREAS certain land described in Schedules 1 and 2 hereto was granted as a site for a Church now known as St. Thomas' Church North Sydney AND WHEREAS for sixty years and upwards the land described in Schedules 3 and 4 hereto have been in continuous possession of the present trustees of the lands referred to in Schedules 1 and 2 hereto and their predecessors in title AND WHEREAS the land described in Schedule 5 hereto was granted as a site for a school house in connection with the said Church AND WHEREAS the land described in Schedules 6

and 7 hereto were together granted as a site of a dwelling house garden and other appurtenances for the Clergyman duly appointed to officiate in the said Church AND WHEREAS the land described in Schedule 8 hereto is held upon trust as and for part of the Glebe lands in connection with the said Church and upon trust for all or any of the purposes provided for in and by the Acts 8 William IV. Number 5 and 21 Victoria Number IV. AND WHEREAS the land described in Schedule 9 hereto is held upon trust for use in connection with the said Church but no express trusts in respect thereof were declared AND WHEREAS the whole of the said lands are vested in the Church of England Property Trust Diocese of Sydney AND WHEREAS the said Church of St. Thomas was erected upon the lands described in Schedules 1 and 3 hereto and the school house was erected on the land described in Schedule 2 hereto and a Minister's dwelling was erected on parts of the land described in Schedules 5 and 6 hereto AND WHEREAS by the "St. Thomas Church North Sydney School and Parsonage Land Mortgage Ordinance" it was declared that a certain portion of the land comprised in Schedule 5 hereto should not be held upon trust for the purpose of a school house but should in lieu thereof be held upon trust for use in connection with the Minister's dwelling AND WHEREAS by the said Ordinance authority was given to raise money by way of mortgage on a certain portion of the land described in Schedule 5 hereto and the whole of the land described in Schedule 6 hereto and being together the land described in the second Schedule to the said Ordinance AND WHEREAS by the "St. Thomas Church North Sydney Additional Land Mortgage Ordinance of 1904" authority was given to raise money by way of mortgage upon the land described in Schedule 7 hereto for the purpose of erecting thereon a dwelling for the Assistant Minister of the Parish of the said Church AND WHEREAS mortgages pursuant to the said Ordinances were duly effected and have not yet been redeemed AND WHEREAS the said school house is no longer suitable for the purposes of the Parish and it is desirable to demolish and sell the same and to erect upon portion of the said lands a Parish Hall suitable for the requirements of the said Parish AND WHEREAS it is desirable that authority should be given to raise moneys by way of mortgages upon the whole or any part or parts of the said lands other than the lands described in Schedules 1 and 3 hereto for the purposes of the erection of the said Parish Hall and the redemption of either or both of the said mortgages and other purposes AND WHEREAS it is desirable that authority should be given to lease or let the whole or parts of the said Assistant Minister's dwelling and the said new Parish Hall and to provide that the net rents issues and profits

arising therefrom should be devoted to payment of the interest accruing from time to time upon the moneys now or hereafter borrowed and in and towards the repayment of the said moneys AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it has become inexpedient to carry out or observe the same and it is expedient to declare other trusts in respect of the said lands NOW THEREFORE the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitution for the management and good government of the Church of England within the State of New South Wales and of all the powers vested in the said Synod by "The Church of England Trust Property Act 1917" or otherwise declares ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the lands described in the Schedules here are subject it has in the opinion of the said Synod become inexpedient to carry out or observe such trusts.

2. The land described in Schedule 3 hereto together with the land described in Schedule 1 hereto shall be held in trust as the site for the said Church of St. Thomas North Sydney and the residue of the said lands shall be held on trust as sites for a Parish Hall and residences for the Minister and the Assistant Minister and for such other purposes in connection with the said Parish of St. Thomas as the Synod shall from time to time determine.

3. It shall be lawful for the Church of England Property Trust Diocese of Sydney (hereinafter called the said Corporation) to sell the materials of which the said school house is composed either by public auction or private contract and for that purpose if deemed expedient so to do to previously demolish such building and to apply the proceeds towards the erection of the said new Parish Hall.

4. The said new Parish Hall may be erected upon the said residue of the said lands in a position to be approved of by the Rector and Parish Council of the said Parish and by the Archbishop of Sydney.

5. For the purposes of carrying out the erection of the said new Parish Hall and of redeeming either or both of the said mortgages wholly or partly it is expedient to obtain an advance of money upon the said residue of the said lands or any part thereof and authority is accordingly hereby given to the said Corporation to obtain such advance upon the security aforesaid to an amount not exceeding the sum of five thousand pounds The said advance may be obtained in one or several sums and

upon the security of one mortgage of the whole or upon one or several mortgages upon any portion or portions of such land.

6. The lands so to be mortgaged may be mortgaged free from the aforesaid trusts to secure the repayment of the moneys so to be borrowed as aforesaid together with the interest payable in respect thereof.

7. The moneys so to be borrowed shall be paid to the said Corporation and shall be applied for or towards the cost of erecting the said new Parish Hall and the furnishing thereof and the redemption of the said existing mortgages as aforesaid.

8. Any mortgage given in pursuance of the powers hereby conferred may be renewed from time to time and the said residue of the said lands 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 five thousand pounds with which to discharge the mortgage or mortgages hereinbefore authorised or any other mortgage or charge given or executed in pursuance of the powers herein contained.

Provided that the said powers of renewal and mortgaging shall not after the expiration of ten years from the passing of this Ordinance be exercised without the approval by resolution of the Standing Committee and then only for such amount and upon such terms and conditions as the Standing Committee shall by resolution approve.

9. The said Assistant Minister's dwelling and the said new Parish Hall or parts thereof may with the consent of the Archbishop at any time hereafter and from time to time be respectively demised or leased free from the trusts aforesaid for such term or terms not exceeding in the whole the term of five years at such rent or rents fixed varying or progressive and upon and subject to such terms covenants and conditions as the Rector and a majority of the Church Wardens for the time being of the said Parish may direct or approve so that there be reserved in every such lease or leases the best rent that can be reasonably obtained for the same having regard to the nature of the covenants entered into by the Lessee without taking any fine or premium for the making thereof and so that there be contained in every such lease or leases a covenant on the part of every lessee his executors administrators and assigns that he and they shall not use or cause or permit to be used the demised premises or any part or parts thereof for the purposes of carrying on the trade or business of a Publican Distiller Brewer Seller of Wine or Beer or Spirituous

liquors or any noxious or offensive trade or business whatsoever and also that every and any such Lessee his executors administrators or assigns shall not use or cause or permit to be used the demised premises for Sunday trade in any form and every such lease shall contain a condition for re-entry by the Lessor or Lessors for non-payment of rent by the Lessee or Lessees within a reasonable time to be therein specified or a breach or non-performance of any of the covenants therein contained and so as the Lessee or Lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

10. The rents issues and profits arising from the said leasing or demising shall be received by the Rector and Church Wardens of the said Church and shall subject as hereinafter provided be applied in the first place in or towards the payment of all rates taxes assessments and outgoings which may at any time become payable in respect of the said residue of the said lands and of the interest from time to time payable in respect of any of the said mortgages and in the next place in and towards the payment of the Synod and Registry Expenses of the said Church and in the next place in and towards the maintenance upkeep and repair of the said dwellings and Parish Hall and subject as aforesaid in or towards the repayment of any principal moneys secured by the said mortgages until the whole of such principal sum or sums shall have been repaid and after the repayment of such principal sum or sums the net income to be derived from the said letting and demising shall be applied to such purposes as may hereafter from time to time be determined by the Synod and subject to any such determination shall 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 the funds and property of the said Church of St. Thomas to be applied by such authority in accordance with such Ordinance.

11. The rents issues and profits arising from the said demising and leasing and the moneys raised by way of mortgage as aforesaid or partly the one and partly the other may be used in defraying the costs charges and expenses of and incidental to this ordinance and of all leases and mortgages and other documents entered into or given in pursuance hereof and the bringing under the provisions of the Real Property Act of the whole or any part of the said lands or of making or getting in title to the whole or any part of the said lands.

12. This Ordinance may be styled and cited as the "St. Thomas North Sydney Trust Property Ordinance of 1919."

SCHEDULE ONE.

All that piece of land being Lot 20 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at the North-western corner of Lot 20 and bounded thence on the North by part of the Southern boundary of Lot 19 and part of the Southern boundary of land comprised in Certificate of Title Vol. 1582 Fol. 183 being a line bearing Easterly for two hundred and forty-one feet six and three-quarter inches thence on the East by part of the Western boundary of Lot 2 being a line bearing Southerly for one hundred and sixty-seven feet two and a quarter inches thence on the South by the Northern boundary of Lot 1 being a line bearing Westerly for one hundred and thirty-seven feet eleven and one-quarter inches and thence on the South-west by a line bearing North-westerly for one hundred and ninety-seven feet three and three-quarter inches to the point of commencement.

SCHEDULE TWO.

All that piece of land being Lot 1 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the Northern building line of McLaren Street bearing Easterly and distant twenty-five feet from the intersection of the Northern building line of McLaren Street with the North-eastern building line of Church Street and bounded thence on the South by part of the Northern building line of McLaren Street bearing Easterly for thirty-four feet four inches thence on the East by part of the Western boundary of Lot 2 being a line bearing Northerly for one hundred and sixty-seven feet two and a quarter inches thence on the North by the Southern boundary of Lot 20 being a line bearing Westerly for one hundred and thirty-seven feet eleven and one-quarter inches and thence on the South-west by a line bearing South-easterly for one hundred and ninety-seven feet three and three-quarter inches to the point of commencement.

SCHEDULE THREE.

All that piece of land situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales commencing at a point on the North-eastern building line of Church Street bearing North-westerly and distant one hundred and ninety-eight feet one inch from the intersection of the North-eastern building line of Church Street with the

Northern building line of McLaren Street and bounded thence on the South-west by part of the North-eastern building line of Church Street bearing North-westerly for one hundred and ninety-eight feet and three quarter inch thence on the North by the prolongation of the Northern boundary of Lot 20 being a line bearing Easterly for twenty-seven feet nine and one-quarter inches thence on the North-east by the South-western boundary of Lot 20 being a line bearing South-easterly for one hundred and ninety-seven feet three and three-quarter inches and thence on the South by the prolongation of the Northern boundary of Lot 1 being a line bearing Westerly for twenty-six feet four and a half inches to the point of commencement.

SCHEDULE FOUR.

All that piece of land situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales commencing at the intersection of the Northern building line on McLaren Street with the North-eastern building line of Church Street and bounded thence on the South-west by part of the North-eastern building line of Church Street bearing North-westerly for one hundred and ninety-eight feet one inch thence on the North by the prolongation of the Southern boundary of Lot 20 being a line bearing Easterly for twenty-six feet four and a half inches thence on the North-east by the South-western boundary of Lot 1 being a line bearing South-easterly for one hundred and ninety-seven feet three and three-quarter inches and thence on the South by part of the Northern building line of McLaren Street bearing Westerly for twenty-five feet to the point of commencement.

SCHEDULE FIVE.

All that piece or parcel of land being Lot 2 of Section No. 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales 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 sixty-six feet 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 three hundred and thirty-four feet four and a half inches on the North by the Southern boundary of allotment fifteen Easterly parallel with McLaren Street sixty-six feet and on the East by the Western boundary line of allotment three aforesaid Southerly at right angles to McLaren Street three hundred and thirty-four feet four and a half inches to the point of commencement.

SCHEDULE SIX.

All that piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the Northern building line of McLaren Street being the South-western corner of land comprised in Certificate of Title Vol. 1532 Fol. 182 and bounded thence on the South by part of the Northern boundary of McLaren Street being a line bearing Westerly for forty-one feet thence on the West by the Eastern boundary of Lot two being a line bearing Northerly for three hundred and thirty-four feet four and a half inches thence on the North by a fenced line bearing Easterly for forty-six feet six inches and thence on the East by the Western boundary of land comprised in Certificate of Title Vol. 1582 Fol. 182 being a line bearing Southerly for three hundred and thirty-four feet seven inches to the point of commencement.

SCHEDULE SEVEN.

All that piece of land being part of Lot 3 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales 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 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 four hundred and sixty-eight feet four inches to the point of commencement and being the land comprised and described in Certificate of Title Registered Volume 1582 Folio 182.

SCHEDULE EIGHT.

All that piece of land being part of Lot 19 of Section 9 of the Town of St. Leonards situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at a point on the Eastern building line of West Street being the South-western corner of Real Property Application No. 20185 and bounded thence on the West by part of the Eastern boundary of West Street bearing

Southerly for thirty-two feet four and three-quarter inches thence on the South-west by part of the North-eastern boundary of Church Street being a line bearing South-easterly for one foot ten inches thence on the South by a line being part of the Northern boundary of Lot twenty bearing Easterly for one hundred and thirty-seven feet four inches thence on the East by part of the Western boundary of land comprised in Certificate of Title Vol. 1582 Fol. 183 being a line bearing Northerly for thirty-four feet one and a half inches and thence on the North by the Southern boundary of the land comprised in Real Property Application No. 20185 being a line bearing Westrely for one hundred and thirty-eight feet four and a half inches to the point of commencement.

SCHEDULE NINE.

All that piece of land being the whole of the land comprised in Certificate of Title Vol. 1582 Fol. 183 situate in the Municipality of North Sydney Parish of Willoughby County of Cumberland and State of New South Wales. Commencing at the North-western corner of land comprised in Certificate of Title Vol. 1582 Fol. 183 and bounded thence on the North by fenced lines bearing Easterly for eighty-one feet one and a quarter inches twenty-eight feet six inches and eighty feet five and three-quarter inches thence on the East by fenced lines bearing Southerly for fifteen feet six inches and twenty-five feet five inches thence on the South by a line being part of the Northern boundary of Lots two and twenty being a line bearing Westerly for one hundred and eighty-nine feet ten and three-quarter inches and thence on the West by lines bearing Northerly for thirty-four feet one and a half inches and four feet four and a quarter inches to the point of commencement.

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 this 26th day of September, 1919.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

14th October, 1919.