
St. Paul's Wahroonga Mortgage 1928

No. 1. 1928.

AN ORDINANCE to authorise the mortgage of certain land situate Peats Ferry Road Wahroonga in the County of Cumberland such land being more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the twenty-third day of May One thousand eight hundred and sixty-two Registered Number 808 Book 81 made between Herbert Cunningham Fowler of the one part and the Lord Bishop of Sydney of the other part for the considerations therein mentioned the said Herbert Cunningham Fowler did give grant alienate release and confirm unto the said Bishop of Sydney and his successors Bishops of Sydney all that piece or parcel of land containing three roods or thereabouts as therein described to have and to hold the same unto the said Bishop and his successors Bishops of Sydney for ever upon trust for the erection thereon of a Church of the United Church of England and Ireland as by law established in conformity with the provisions of an Act of the Governor and Legislative Council of New South Wales made and passed in the eighth year of the reign of His late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of the Churches and Chapels of the United Kingdom of England and Ireland in New South Wales" and also upon trust for a School for the education of youth in the principles of the said Church subject in all respects to the management and control of the Minister of the District duly licensed by the Bishop of the Diocese and also for a residence for the Master of the said School AND WHEREAS by Indenture of Conveyance bearing date the twenty-fourth day of October One thousand eight hundred and ninety-five Registered Number 284 Book 567 made between Robert Taylor of the one part and The Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the said Trust") of the other part for the considerations therein mentioned the said Robert Taylor did thereby appoint grant and release unto the said Trust their successors and assigns all that

piece or parcel of land and being with the land hereinbefore recited the whole of the land comprised in Certificate of Title under the provisions of the Real Property Act 1900 dated the twenty-second day of September One thousand nine hundred and six Volume 1724 Folio 73 to hold the same unto and to the use of the said Trust their successors and assigns upon trust for the erection and maintenance thereon of a Church or Building to be used for the celebration of Public Worship according to the use of the United Church of England and Ireland within the State of New South Wales subject however to the provisions (so far as they might be applicable) of "The Sydney Church Ordinance" passed by the Synod of the Diocese of Sydney on the sixth day of May One thousand eight hundred and ninety-one or of any other Ordinance which might be passed by the Synod of the said Diocese repealing altering or modifying the said "Sydney Church Ordinance" and it was thereby declared and agreed that all and singular the articles clauses and provisions of the said Sydney Church Ordinance and of every other Ordinance of the Diocese of Sydney repealing altering or modifying the same in so far as they affected lands churches and buildings belonging to the said Church of England and Ireland in the said State and the management thereof and the election of churchwardens and trustees their powers and qualifications should be read and construed as if such Ordinance or Ordinances had formed part of and been incorporated in those presents AND WHEREAS the said Trust is now the registered proprietor of the hereinbefore mentioned pieces of land the same now being comprised in Certificate of Title under the provisions of the Real Property Act 1900 dated the twenty-second day of September One thousand nine hundred and six Volume 1724 Folio 73 subject to the aforesaid trusts AND WHEREAS it is expedient to build a Minister's residence upon portion of the said land AND WHEREAS it is expedient to vary the trusts so that the land described in the Schedule hereto (which forms part of the land comprised in the said Certificate of Title) may be held upon trust as a site for a Rectory in connection with the Church of St. Paul Wahroonga AND WHEREAS in order to provide for the erection of the same it is necessary that moneys should be raised over portion of the said lands and the buildings erected and to be erected thereon to secure the repayment of any moneys so

borrowed as aforesaid with interest thereon AND WHEREAS it is expedient that any advance or advances of money not exceeding in the aggregate the sum of one thousand six hundred pounds should be obtained upon the security of the land described in the Schedule hereto for the purposes aforesaid AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to mortgage the said land Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the "Land Ordinance Procedure and Delegation of Powers Ordinance 1926" and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient to vary the trusts and henceforth the land described in the Schedule hereto shall be held upon trust as a site for a Rectory in connection with the Church of St. Paul Wahroonga and for the purposes aforesaid it is expedient to obtain from time to time an advance or advances of money not exceeding in the aggregate the sum of one thousand six hundred pounds on the security of the land more particularly comprised in the Schedule hereto and the buildings erected and to be erected thereon.

2. That the said piece of land described in the Schedule hereto and the buildings erected and to be erected as aforesaid and the appurtenances may be from time to time mortgaged to secure the repayment of the moneys so authorised to be borrowed as aforesaid.

3. That the amount or amounts so to be from time to time raised (after deducting thereout the costs of and incidental to this Ordinance and any mortgage or mortgages executed in pursuance of the powers hereby conferred and also any charge created on the said land) shall be paid by the said Trust to the Churchwardens for the time being of the Church of St. Paul Wahroonga (whose receipt shall be a sufficient discharge) and

shall be by them applied in or towards the payment of the costs of the erection of a residence for a Minister on the said land.

4. That the said piece of land and all buildings thereon may be mortgaged from time to time for the purpose of raising any sum or sums of money not exceeding in the aggregate the sum of one thousand six hundred pounds with which to discharge or renew the mortgage or mortgages now authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof Provided however that after the expiration of five years from the passing of this Ordinance no renewal of any mortgage shall be valid for a larger sum than one thousand one hundred pounds and thereafter the principal sum shall be reduced at the rate of one hundred and fifty pounds per year.

5. This Ordinance shall be styled and cited as the "St Paul's Wahroonga Mortgage Ordinance 1928."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situate in the Parish of South Colah County of Cumberland State of New South Wales and being part of the land comprised in Certificate of Title dated the twenty-second day of September One thousand nine hundred and six Volume 1724 Folio 73 commencing at a point eighteen feet and one-quarter inch from the termination of the West side of Ingram Street being the North-west corner of the said Church property and bounded thence by the Eastern side of the extended boundary of Peats Ferry Road bearing Southerly seventy feet thence on the South by a line bearing East two hundred and thirty feet thence on the East by a line bearing North seventy feet and thence on the North by part of the North boundary of the aforesaid Church property bearing West two hundred and thirty feet to the point of commencement.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this thirtieth day of January, 1928.

C. R. WALSH,

Secretary.

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

Archbishop of Sydney.

2nd February, 1928.