

*Sydney Church of England Grammar School Council  
Mortgaging Ordinance 1953.*

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No. 5, 1953.

AN ORDINANCE to amend and consolidate the "Sydney Church of England Grammar School Council Mortgaging Ordinance 1952" as amended by "The Sydney Church of England Grammar School Council Mortgaging Ordinance 1925-1929" (No. 10, 1929) and to authorise Sydney Church of England Grammar School Council to mortgage certain real and personal property vested in the said Council.

WHEREAS pursuant to the provisions of an Act of the Legislature of New South Wales intituled "Saint James' School Compensation Trust Act" a school situate at North Sydney and known as Sydney Church of England Grammar School (hereinafter referred to as "the said School") was established in connection with the Church of England AND WHEREAS by the said Act it was enacted (inter alia) that the said School should be under the government of a Council consisting of such members of the Church of England as therein provided and the Bishop of Sydney for the time being should be ex officio President of such Council and that it should be lawful for the Synod of the Diocese of Sydney from time to time to make alter and repeal rules and regulations touching the constitution election and powers of the Council of the said School AND WHEREAS by the "Church of England Trust Property Act 1917" (Act No. 21, 1917) it was enacted that such persons as should from time to time be members of the said Council including the Archbishop of Sydney for the time being as ex officio President should be and they are thereby constituted a body politic and corporate by the name of "Sydney Church of England Grammar School Council" (hereinafter referred to as "the said Council") and that by such name they may take and hold to them their successors by grant will or otherwise any real or personal property and for any estate or interest therein AND WHEREAS by "The Sydney Church of England Grammar School Constitution Consolidation and Amendment Ordinance 1923" it was ordained and ruled (inter alia) that the said School should be governed by the said Council and that the said Council should manage and carry on the said School and its affairs and should govern and control the management and user of the Church Trust Property held in connection therewith in such manner as it may deem expedient for the benefit of the said

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School AND WHEREAS by the "Sydney Church of England Grammar School Council Mortgaging Ordinance 1925" it was ordained and ruled that the said Council be and it was thereby authorised and empowered (inter alia) to mortgage certain real and personal property therein referred to to secure the repayment of advances not exceeding in the aggregate the sum of Fifteen Thousand Pounds (£15,000.0.0) AND WHEREAS by "The Sydney Church of England Grammar School Council Mortgaging Ordinance 1925-1929" it was ordained and ruled (inter alia) that the said limit of advances should be increased from Fifteen Thousand Pounds (£15,000.0.0) to Thirty Thousand Pounds (£30,000.0.0) and that the said Council be and it was thereby authorised and empowered to mortgage certain other lands therein referred to AND WHEREAS the said Council is registered or entitled to be registered as the proprietor in fee simple under the provisions of the Real Property Act 1900 of the whole of the lands comprised and described in the First Schedule hereunder written AND WHEREAS the said Council is also seised of an estate in fee simple in those parcels of land comprised and described in the Second Schedule hereunder written AND WHEREAS the lands comprised and described in the First and Second Schedules hereunder are vested in the said Council upon trusts for the purposes of the said School AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it is expedient that the said Council should be empowered to mortgage the lands comprised and described in the first and second schedules hereunder written for the purpose of securing such sum or sums of money not exceeding in the aggregate at any one time the sum of Seventy-five Thousand Pounds (£75,000.0.0) (inclusive of the sums referred to in the hereinbefore recited Ordinances) as from time to time it may consider necessary to raise or borrow for carrying out all or any of the purposes hereinafter mentioned. Now therefore the Standing Committee of Synod of the Diocese of Sydney in the name and place of the said Synod ordains and rules as follows:

1. By reason of circumstances subsequent to the creation of the said recited trusts it is expedient and authority is hereby given for the said Council to mortgage the lands comprised and described in the first and second schedules hereunder written or any part or parts thereof for the purpose of securing such sum or sums of money not exceeding in the aggregate at any one time the sum of Seventy-five Thousand Pounds (£75,000.0.0) as from time to time it may consider necessary to raise or borrow for

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carrying out all or any of the purposes hereinafter mentioned.

2. Any person company corporation or institution of any kind so advancing any such sum or sums may pay the same to the Treasurer for the time being of the said Council or such other person as the said Council may by resolution appoint for and on behalf of the said Council and the receipt of the said Treasurer or such other person so appointed as aforesaid shall be a full and sufficient discharge to such person company corporation or institution so advancing the same.

3. The amount or amounts from time to time so to be raised shall be applied by the said Council to the following purposes:—

- (a) To pay the costs of and incidental to this Ordinance and of and incidental to any mortgage or mortgages executed by the said Council in pursuance thereof.
- (b) To pay for any real or personal property that may be purchased by the said Council from time to time for the purposes of the said School.
- (c) To pay for the erection of any new buildings upon any lands vested in the said Council from time to time or for remodelling adding to improving and for renovating any such buildings.
- (d) To pay for any improvements that may be carried out by the said Council from time to time upon any lands vested in the said Council, and/or
- (e) Otherwise to pay or provide for the government conduct management and administration of the said School as the said Council may from time to time determine.

4. Any mortgages given by the said Council as aforesaid may be executed for and on behalf of the said Council by such person or persons being members of the said Council as the said Council may by resolution determine.

5. The "Sydney Church of England Grammar School Council Mortgaging Ordinance 1925" and "The Sydney Church of England Grammar School Council Mortgaging Ordinance 1925-1929" (No. 10, 1929), are hereby repealed but such repeal shall not affect any matter or thing done thereunder or pursuant thereto.

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6. This Ordinance may be cited as the "Sydney Church of England Grammar School Council Mortgaging Ordinance 1953."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

- (a) All that piece or parcel of land situate in the Parish of Willoughby County of Cumberland containing three acres three roods twenty-nine and one half perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Twelfth day of August One thousand nine hundred and forty six registered Volume 5596 Folio 110 Together with a right-of-way as appurtenant to the said land over the land delineated on the said Certificate of Title and coloured brown on the plan thereon.
- (b) All that piece or parcel of land situate in the Parish and County aforesaid containing one rood thirty-four perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Second Day of May One thousand eight hundred and eighty-eight Registered Volume 880 Folio 44 Together with a right-of-way as appurtenant to the said land over the land delineated on the said Certificate of Title and coloured brown on the plan thereon.
- (c) All that piece or parcel of land situate in the Parish and County aforesaid containing two roods five and one-half perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Second day of May One thousand eight hundred and eighty-eight Registered Volume 880 Folio 43 Together with a right-of-way as appurtenant to the said land over the land delineated on the said Certificate of Title and coloured brown on the plan thereon.
- (d) All that piece or parcel of land situate in the Parish and County aforesaid containing six and three quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Second day of May One thousand eight hundred and eighty-eight Registered Volume 880 Folio 42.

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- (e) All that piece or parcel of land situate in the Parish and County aforesaid containing nineteen perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Seventh day of August One thousand nine hundred and twenty-four Registered Volume 3624 Folio 60.
- (f) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-one and one quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Seventeenth day of May One thousand nine hundred and thirty-nine Registered Volume 5040 Folio 244.
- (g) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-four perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Seventeenth day of May One thousand nine hundred and thirty-nine Registered Volume 5040 Folio 245.
- (h) All that piece or parcel of land situate in the Parish and County aforesaid, containing one rood fifteen and one-half perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Sixteenth day of March One thousand nine hundred and twenty-six Registered Volume 3841 Folio 228.
- (i) All that piece or parcel of land situate in the Parish and County aforesaid containing two roods thirty-one and three-quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Twelfth day of August One thousand nine hundred and forty-six Registered Volume 5596 Folio 108.
- (j) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-seven and one quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Seventeenth day of November One thousand nine hundred and twenty-five Registered Volume 3800 Folio 40.
- (k) All that piece or parcel of land situate in the Parish and County aforesaid containing twelve and one-half perches

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or thereabouts being the whole of the land comprised in Certificate of Title dated the Twelfth day of August One thousand nine hundred and forty-six Registered Volume 5596 Folio 107.

- (l) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-eight perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Twelfth day of August One thousand nine hundred and forty six Registered Volume 5596 Folio 109.
- (m) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-two perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Eleventh day of July One thousand nine hundred and eleven Registered Volume 2163 Folio 51.
- (n) All that piece or parcel of land situate in the Parish and County aforesaid containing one acre one and one half perches or thereabouts being the whole of the land comprised in Certificate of Title dated the Sixth day of November One thousand nine hundred and twenty-five Registered Volume 3797 Folio 44.
- (o) All that piece or parcel of land situate in the Parish and County aforesaid being part of Lots one, two and three of Section one of Lord's Paddock subdivision being the whole of the land comprised in Certificate of Title dated the twenty-sixth day of June One thousand nine hundred and fifty registered Volume 6154 Folio 217.
- (p) All that piece or parcel of land situate in the Parish and County aforesaid containing twenty-one and one quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated the twenty second day of September one thousand eight hundred and eighty Registered Volume 897 Folio 125.
- (q) All that piece or parcel of land situate in the Parish and County aforesaid containing ten perches or thereabouts being the whole of the land comprised in Certificate of Title dated the twenty-eighth day of December one thousand eight hundred and ninety-eight Registered Volume 1268 Folio 81.

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- (r) All that piece or parcel of land situate in the Parish and County aforesaid containing seventeen and one half perches or thereabouts being the whole of the land comprised in Certificate of Title dated the sixth day of February one thousand nine hundred and forty-one Registered Volume 5207 Folio 92.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

- (a) All that allotment piece or parcel of land situate in township of St. Leonards North Sydney in the Parish of Willoughby County of Cumberland in the State of New South Wales bounded on the south by a fence being a line bearing westerly fifty eight links on the west by a street at one time unnamed but now named Edward Street being a line bearing northerly four chains thirty links on the north by Mount Street being a line bearing easterly fifty-eight links and on the east by lot number twenty-seven being a line bearing southerly four chains thirty links which said allotment or parcel of land is delineated as lot number twenty-eight on the plan of William Lithgow's subdivision and being the land comprised in Conveyance dated the Fourth day of February One thousand nine hundred and twenty from The Church of England Property Trust Diocese of Sydney to the said Council Registered Number 215 Book 1186.
- (b) All that piece or parcel of land situate lying and being in Parish of Willoughby County of Cumberland and State of New South Wales be the hereinafter mentioned dimensions a little more or less Commencing at a point on the south side of Mount Street forty-one feet nine inches easterly from its intersection with the eastern side of a roadway thirty feet wide leading to Messieurs Holterman's and Dibb's premises and bounded on the north by Mount Street bearing easterly thirty feet on the east by the western boundary of Kemp's land bearing southerly two hundred and eighty-three feet nine inches on the south by part of the northern boundary of Holterman's land bearing westerly thirty feet and on the west by a fenced line bearing northerly two hundred and eighty three feet nine inches to the point of commencement Also all that piece or parcel of land situate at Victoria

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North Shore in the Parish of Willoughby County of Cumberland and State of New South Wales being lot twenty-six and part of lot twenty-seven of subdivision of T. Walker's thirty-nine acres Grant commencing on the south side of Mount Street at the north west corner of lot twenty-five of the said subdivision and bounded thence on the North by Mount Street bearing westerly forty-six feet seven inches thence on the west by a line dividing it from other part of said lot twenty-seven bearing southerly two hundred and eighty feet eight inches thence on the south by a fenced line bearing easterly forty six feet seven inches to lot twenty-five and thence on the east by a line dividing it from lot twenty-five bearing northerly two hundred and seventy-eight feet nine inches to the point of commencement and being the whole of the land comprised in Conveyance dated the Fourth day of February One thousand nine hundred and twenty from The Church of England Property Trust Diocese of Sydney to the said Council Registered Number 217 Book 1186.

- (c) All that piece or parcel of land situated at North Sydney in the Parish of Willoughby County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less containing by admeasurement one rood sixteen and one half perches more or less and forming parts of lots twenty-two, twenty-three twenty-four and twenty-five fronting Mount Street as occupied of a subdivision of part of Thomas Walker's thirty-nine acres grant Commencing at the north-eastern corner of six acres no roods twenty-five perches under application number 6620 Land Titles Office known as The Towers and bounded thence towards the south by part of the northern boundary of that land being a fenced line bearing south eighty-eight degrees thirty-three minutes west one hundred and fifty-five feet two inches thence towards the west by a fenced line dividing it from lot twenty-six as occupied of the subdivision aforesaid bearing north nineteen minutes west one hundred feet thence towards the north by, a line dividing it from other parts of lots twenty-two twenty-three twenty-four and twenty-five aforesaid bearing north eighty-eight degrees thirty-three minutes east one hundred and fifty-three feet three and one half



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inches and thence towards the east by part of the western boundary of lot seventeen and western boundaries of lots sixteen and fifteen of the said subdivision as occupied being a fenced line bearing south one degree twenty-four minutes east one hundred feet to the point of commencement and being the whole of the land comprised in Conveyance dated the Fourth day of February One thousand nine hundred and twenty from the Church of England Property Trust Diocese of Sydney to the said Council Registered Number 216 Book 1186.

- (d) All that parcel of land in the town of Saint Leonards North Shore County of Cumberland Commencing at a point sixty-six feet eight inches distant from the intersection of the west side of Alma Street with the north side of Flagstaff View Street and bounded on the south by a line running west one hundred and fifteen feet from the point of commencement at right angles to the west side of Alma Street and bounded on the east by a line running north thirty-three feet from the point of commencement and bounded on the north by a line running one hundred and fifteen feet west at right angles to the west side of Alma Street being a line parallel to the southern boundary and bounded on the west by a line running thirty three feet south at right angles to the north side of Flagstaff View Street being a line parallel with the eastern boundary Secondly all that piece or parcel of land situate lying and being in the Parish of Willoughby County of Cumberland and Colony of New South Wales and be the hereinafter mentioned dimensions all a little more or less Commencing on the west side of Alma Street at a point distant sixty six feet eight inches from the intersection of the west side of Alma Street aforesaid with the south side of Lighthouse Street and bounded thence on the east by part of the western side of Alma Street being a line bearing southerly thirty-three feet thence on the south by a line bearing westerly one hundred and fifteen feet to the eastern boundary of B. O. Holterman's land thence on the west by part of the said eastern boundary of B. O. Holterman's land being a line bearing Northerly thirty-three feet and thence on the north by a line bearing easterly one hundred and fifteen feet to the point of commencement Thirdly (but only insofar as the piece

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or parcel of land next hereafter described is identical with the lands firstly and secondly hereinbefore described All that piece or parcel of land situated at North Sydney in the Parish of Willoughby County of Cumberland and State of New South Wales containing by admeasurement  $27\frac{1}{2}$  perches a little more or less being Lot 2A of Section C of Fisher's Subdivision and being part of 39 acres originally granted to Thomas Walker Commencing at a point on the western building line of Alma Street at the north east corner of the land comprised in Real Property Act Application No. 2636 being a point bearing 0 degrees 53 minutes for 66 feet 8 inches from the intersection of that building line of Alma Street with the northern building line of Flagstaff View Street and bounded thence on the east by part of the western building line of Alma Street aforesaid bearing 0 degrees 53 minutes for 66 feet  $4\frac{1}{2}$  inches thence on the north by the south boundary of Lot 3A of Section C of Fisher's Sub-division aforesaid being a fenced line bearing 270 degrees 4 minutes for 115 feet  $2\frac{1}{2}$  inches thence on the west by a line partly fenced bearing 180 degrees 53 minutes for 66 feet thence on the south by the northern boundary of the land comprised in Real Property Application Number 2636 aforesaid being a line partly fenced and bearing 90 degrees 14 minutes for 115 feet  $2\frac{1}{2}$  inches to the point of commencement be the said and several dimensions hereinbefore mentioned all a little more or less being the whole of the land comprised in Conveyance dated the ninth day of December One thousand nine hundred and thirty-seven from William Alfred Boyce to the said Council Registered No. 272 Book 1800.

- (e) All that piece or parcel of land being part of the Upton Estate situate in Union Street in the Parish of Willoughby County of Cumberland in the State of New South Wales comprising lots four and five and portion of lot six of the subdivision of land of William George Miller fronting Union Street aforesaid Commencing at the south east corner of the land sold to George Murdon and bounded on the south west by Union Street aforesaid bearing east thirteen degrees south eighty-three feet on the east by land of the said William George

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Miller also part of the Upton Estate bearing north one hundred and twenty-four feet or thereabouts on the north by another part of the Upton Estate extending eighty-three feet to the north-eastern boundary of the said land of the said George Murdon and thence by George Murdon's land one hundred and twenty-four feet to the commencing point being the whole of the land comprised in Conveyance dated the Sixth day of February One thousand nine hundred and forty-seven from Edith Mary Pulling to the said Council Registered Number 127 Book 2009.

- (f) All that piece or parcel of land in the Municipality of North Sydney Parish of Willoughby County of Cumberland State of New South Wales containing an area of thirty-five and one-quarter perches more or less Commencing at a point on the western side of Edward Street being the south-eastern corner of Lot one of Section three of a subdivision of Lord's Paddock bearing one hundred and eighty degrees thirty-six minutes and distant forty feet five and one half inches from the intersection of the southern side of Lord Street with the western side of Edward Street thence by part of the western side of Edward Street bearing one hundred and eighty degrees thirty-six minutes eighty feet to the north eastern corner of the land comprised in Certificate of Title Registered Volume 2163 Folio 172 thence by part of the northern boundary of the said land comprised in such Certificate of Title bearing two hundred and seventy-four degrees one hundred and twenty feet to the south eastern corner of lot four of Section three of the aforesaid sub-division of Lord's Paddock thence by part of the eastern boundary of that lot bearing no degrees thirty-six minutes eighty feet to the south western corner of Lot one beforementioned and thence by the southern boundary of that lot bearing ninety-four degrees one hundred and twenty feet to the commencing point being the whole of the land comprised in Conveyance dated the Twenty-sixth day of August One thousand nine hundred and twenty-five from the Commonwealth of Australia to the said Council Registered Number 418 Book 1399.

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- (g) All that piece or parcel of land situate lying and being in the Parish of Willoughby in the County of Cumberland Colony of New South Wales and be the herein-after mentioned several dimensions a little more or less being Lot 3 Section C of a subdivision on the heights of St. Leonards adjoining "Holterman's" and containing an area of Twenty seven and three quarter perches commencing at the junction of west side of Alma Street with the South side of Lighthouse Street and bounded on the north by Lighthouse Street bearing westerly one hundred and fifteen feet on the west by part of the eastern boundary fence of B.O. Holterman's grounds bearing southerly sixty feet on the south by a line easterly one hundred and fifteen feet and on the east by Alma Street aforesaid bearing northerly sixty-six feet to the point of commencement.
- (h) That part of Public Road known as Lighthouse Street West of Public Road known as Alma Street Parish of Willoughby County of Cumberland Land District Metropolitan and Municipality of North Sydney R 52' 803.

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

W. G. HILLIARD, Bishop.  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 13th day of March, 1953.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

17/3/1953