
St. Barnabas' Sydney Variation of Trusts and Mortgaging Ordinance 1954.

No. 46, 1954.

AN ORDINANCE to vary the trusts and authorise the mortgaging of certain land held for the Parish of St. Barnabas' Broadway in the City of Sydney and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is seised of an estate in fee simple of the land described in the First Schedule hereto upon trust for a school connected with the Church of St. Barnabas' Sydney AND WHEREAS in pursuance of the provisions of St. Barnabas' Sydney Lease Ordinance 1952-1953 the Corporate Trustee did lease the said land to Grace Bros. Pty. Ltd. from month to month as from the Twenty fourth day of August One thousand nine hundred and fifty one at the monthly rental of One hundred and fifty pounds (£150) and did by Clause 2 of such Ordinance provide for the application of the said rent AND WHEREAS the said Corporate Trustee is seised of an estate in fee simple in the land described in the Second Schedule hereto also upon trust for a school connected with the said Church AND WHEREAS it is proposed to repair, make alterations and additions to the church and the buildings now erected upon the land described in such second schedule and formerly used as a school and offices in connection with such church to enable the same to be used and conducted as a Parish Hall and Community Centre in association with the church of St. Barnabas' Sydney AND WHEREAS it is expedient to vary the trusts upon which the land described in the second schedule hereto are held in manner hereinafter declared AND WHEREAS it is necessary and expedient to mortgage the land described in the First Schedule for the purpose of assisting in the repairs and alterations of and additions to the church and such buildings Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Ordains and Declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is inexpedient to carry out or observe the same to the extent to which the said trusts are hereby varied and modified.

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2. The land described in the Second Schedule shall henceforth be held upon trust to permit the same to be used as a church school and community centre or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of St. Barnabas' Broadway Sydney.

3. By reason of circumstances subsequent to the creation of the trusts upon which the land described in the First Schedule is held it is expedient to mortgage the land described in such Schedule—

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the whole or any part of the land described in the first Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Ten thousand pounds (£10,000).

(b) When the power is subsequently exercised such sum not exceeding Ten thousand pounds (£10,000), as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than One thousand pounds (£1,000) per annum when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine.

(ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.

(iii) A document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such Resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such Resolution was duly passed.

4. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

(a) In payment of the costs charges and expenses of and incidental to this Ordinance and such mortgage or any mortgages executed in pursuance of this Ordinance.

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- (b) Subject thereto the balance shall be paid to the Churchwardens for the time being of the said parish (whose receipt shall be a sufficient discharge therefor) and who shall apply such moneys received in or towards the costs of and incidental to the repairs, alterations of and additions to the church and buildings on the land described in the Second Schedule hereto to be used and conducted as well as a school as a community centre in connection with the said Parish.

5. The Rector and Churchwardens for the time being of St. Barnabas' Sydney shall within seven days of the date of holding the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed the amounts paid off and the balance owing.

6. This Ordinance may be cited as "St. Barnabas' Sydney Variation of Trusts and Mortgaging Ordinance 1954."

FIRST SCHEDULE REFERRED TO.

All that piece or parcel of land situate at Saint Barnabas Lane City of Sydney Parish of Petersham County of Cumberland State of New South Wales containing by admeasurement twenty and a quarter perches commencing at a point on the Southern side of St. Barnabas Lane distant eighty-four feet two inches Westerly from Mountain Street (late Athlone Place) and bounded

on the North by St. Barnabas Lane bearing Westerly sixty-four feet on the West by a line bearing Southerly eighty-six feet to land in application No. 9213 thence on the South by the Northern boundary of said application and a line in prolongation thereof bearing Easterly sixty five feet on the East by a line bearing Northerly eighty eight feet to the point of commencement be the said several dimensions a little more or less.

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SECOND SCHEDULE REFERRED TO.

All that parcel of land situate in the Parish of Petersham in the City of Sydney in the Colony of New South Wales commencing from the angle formed by Athlone Place and a reserved road seventeen feet wide and bounded on the north by that reserved road sixty feet north westerly to Mr. Dickson's property on the west by Mr. Dickson's property forty feet to north western boundary of Saint Barnabas' Church on the south east by the northern boundary of Saint Barnabas' Church to Athlone Place sixty feet on the east by Athlone Place forty feet to the point of commencement Also all that parcel of land situated in the County of Cumberland Denison Ward in the City of Sydney and containing twenty nine perches commencing at its North Eastern corner being a point distant sixty one feet from the intersection of Athlone Place and a reserved road and bounded on the North by a reserved road seventeen feet wide being a line bearing west thirteen degrees south eighty six feet six inches on the west by church land being a line bearing south twenty degrees east eighty seven feet on the south by Connelly's allotment being a line bearing East thirteen degrees North seventy five feet again on the west by part of Connelly's allotment being a line bearing East thirteen degrees North seventy five feet again on the West by part of Connelly's allotment being a line bearing southerly thirty nine feet and again on the South by part of Saint Barnabas' Church property being a line bearing easterly eight feet ten inches and on the East by Saint Barnabas' Church and School being a line bearing north twenty degrees west one hundred and twenty five feet nine inches to the point of commencement excepting thereout all that piece or parcel of land situate at Saint Barnabas' Lane City of Sydney Parish of Petersham County of Cumberland State of New South Wales containing by admeasurement twenty and a quarter perches commencing at a point on the southern side of St. Barnabas' Lane distant eighty-four feet two inches Westerly from Mountain Street (late Athlone Place) and bounded on the North by St. Barnabas' Lane bearing Westerly sixty-four feet on the West by a line bearing Southerly eighty-six feet to land in application No. 9213 thence on the South by the Northern boundary of said application and a line in prolongation thereof bearing Easterly sixty five feet on the East by a line bearing Northerly eighty eight feet to the point of commencement be the said several dimensions a little more or less (being the land described in the First Schedule hereto).

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Ordinance 1954.*

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

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 on the 21st day
of December, 1954.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

22/12/1954.