
*St. George's Glenmore Road Mortgaging and
Leasing Ordinance 1930.*

No. 7. 1930.

AN ORDINANCE authorising the mortgaging and leasing of certain land situated at Paddington in the Municipality of Paddington Parish of Alexandria County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the seventeenth day of April One thousand eight hundred and eighty nine Registered No. 867 Book 411 made between Jacob Frederic Scholer of the first part and Thomas Bielby Walcot William Chadwick Walter Hedges and Edmund Conroy Hopkins (therein called the Purchasers) of the other part all therein described for the consideration therein mentioned the said Jacob Frederic Scholer did thereby grant bargain sell alien release and convey unto the said Purchasers and their heirs all that piece or parcel of land described in the First Schedule hereto to have and to hold the same unto the said Purchasers and their heirs to the use of the said Purchasers their heirs and assigns forever AND WHEREAS by a Declaration of Trust dated the eighteenth day of April One thousand eight hundred and eighty-nine it was declared by the said Thomas Bielby Walcot William Chadwick Walter Hedges and Edmund Conroy Hopkins (therein called the said Trustees) that they held the said land upon trust for the use and benefit of the Church of England AND WHEREAS by the said Declaration of Trust after reciting that it was intended to erect on the said land either one or all of the buildings following namely a Church or place of Divine Worship a Schoolhouse in connection therewith or a Dwelling house to be used occupied and enjoyed by the Minister for the time being holding the license of the Bishop of Sydney and his successors to officiate in the said Church it was further declared that the said Trustees their heirs and assigns held the said land (so far as was applicable to those presents) subject to the provisions of a proposed ordinance known as "The Church Ordinance of the Diocese of Sydney of 1888" a copy whereof is attached to the said Declara-

tion of Trust provided nevertheless that the said Trustees might at any time or times raise any sum or sums of money on the security of the said hereditaments by mortgaging or charging the same or any part thereof in such manner and form and with such powers and provisions as the said Trustees should think fit and desirable and provided further that the said Trustees might if in their discretion it should be deemed expedient and by and with the consent of the Diocesan Synod first had and obtained dispose of either by way of absolute sale or in exchange for other hereditaments all or any parts of the said lands And it was thereby declared that the Trustees for the time being should stand possessed of the moneys to arise from or to be produced by any such sale mortgage charge or exchange (after payment thereout respectively of the cost and expenses attending such sale mortgage charge or exchange or otherwise incidental to the Trusteeship) upon such and the same trusts as were therein declared AND WHEREAS a Church for Divine Worship according to the rites of the Church of England known as St. George's has been duly erected on the said land AND WHEREAS the said Thomas Bielby Walcot William Chadwick and Walter Hedges by memorandum in writing bearing date the fifteenth day of November One thousand eight hundred and ninety-eight duly resigned their offices as such Trustees as aforesaid with the consent of the said Edmund Conroy Hopkins their co-trustee AND WHEREAS the said Edmund Conroy Hopkins as the continuing Trustee duly called a meeting of the occupiers of the seats in the said Church for the purpose of electing new Trustees in the place of the said Thomas Bielby Walcot William Chadwick and Walter Hedges so resigning as aforesaid and at such meeting John Douse Langley of Sydney in the Colony of New South Wales Clerk in Holy Orders Archdeacon of Sydney Edward Owen of Paddington aforesaid Clerk in Holy Orders and William Horn of Paddington aforesaid Gentleman were duly elected Trustees in the place of the said Thomas Bielby Walcot William Chadwick and Walter Hedges in accordance with the provisions of Section 4 of the said Church Ordinance of 1888 and became such Trustees accordingly AND WHEREAS the said Edmond Conroy Hopkins died on the thirty-first day of May One thousand nine hundred and eleven AND WHEREAS by Section

19 of The Church of England Trust Property Act 1917 it was enacted that any Church trust property which might at any time belong to or be vested in any trustee or trustees should upon the consent of such trustee or trustees, or the majority of them given in writing or upon the consent of the Synod of the Diocese for which such property is held become vested in the corporate trustees of such Diocese AND WHEREAS by virtue of Section 5 of the said Act Church of England Property Trust Diocese of Sydney is the Corporate body of trustees for the Diocese of Sydney AND WHEREAS by Deed of Consent dated the twenty-first day of March One thousand nine hundred and twenty-three the said John Douse Langley and Edward Owen did consent that the said property should become vested in Church of England Property Trust Diocese of Sydney subject to the Trusts mentioned in the said Declaration of Trust AND WHEREAS by his Certificate under Section 34 of the said Church of England Trust Property Act 1917 dated the thirteenth day of December One thousand nine hundred and twenty-nine the Archbishop of Sydney certified that Church of England Property Trust Diocese of Sydney was on that date the duly constituted trustee of the said land and that it became such Trustee by virtue of the Deed of consent lastly hereinbefore recited AND WHEREAS by reason of circumstances subsequent to the creation of the Trusts recited in the hereinbefore mentioned Declaration of Trusts it is expedient to mortgage the land described in the Second Schedule hereto being part of the said land described in the First Schedule hereto for the purpose of erecting shops and offices upon the land described in the said Second Schedule AND WHEREAS it is expedient that so much of the land described in the said Second Schedule as shall be required for the purposes of the said shops and offices should be leased and the proceeds thereof applied for the purposes hereinafter provided 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 and of all other powers thereunto

enabling it 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 Trusts it is expedient to mortgage the land described in the Second Schedule hereto and that the trusts of so much of the land comprised in the Second Schedule hereto as shall be required for the purposes of the said shops and offices are hereby varied so far as necessary to enable the same to be held as a site for the said shops and offices.

2. Church of England Property Trust Diocese of Sydney is hereby empowered to mortgage the land described in the Second Schedule hereto to secure the repayment of a sum not exceeding in the aggregate one thousand two hundred and fifty pounds (£1250) together with interest thereon and all costs charges and expenses of and incidental to the borrowing thereof.

3. The sum or sums so to be obtained after deducting all expenses of and incidental to such mortgage and this Ordinance may be paid by the said Church of England Property Trust Diocese of Sydney to the Rector and Churchwardens for the time being of the Parish of St. George's Glenmore Road and their receipt shall be a full and sufficient discharge for the same and shall be applied by them in or towards the payment of the costs charges and expenses already incurred and to be incurred in connection with the erection of the shops and offices as aforesaid.

4. The said land described in the said Second Schedule 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 One thousand two hundred and fifty pounds (£1250) with which to discharge or renew any mortgage or mortgages from time to time existing on such land and any interest charges or expenses accrued due or incurred 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 pounds (£1000) and thereafter the principal sum shall be reduced at the rate of not less than One hundred pounds (£100) per annum for

the purpose of ascertaining the sum for which any renewal mortgage shall be valid.

5. So much of the land described in the said Second Schedule as shall be required for the purposes of the said shops and offices may from time to time be demised to any person or persons for any term not exceeding five years at any one time to take effect in possession at such rent or rents and upon such terms and conditions as Church of England Property Trust Diocese of Sydney may deem expedient so as there be reserved in every such lease the best rent that can reasonably be obtained for the same having regard to the nature of the covenants entered into by the Lessee without any fine or foregift for the making thereof, and so as there be contained in every such lease a covenant that no lessee of any part or parts of the said land shall use or permit to be used the premises erected or placed on any part of the land mentioned or described in any such lease or leases for the purpose of carrying on the trade or business of a publican distiller brewer wine ale or beer seller or any dangerous noxious or offensive trade or business whatsoever and also that no such lessee shall use or permit to be used the said premises for Sunday trade in any form. And also a condition for re-entry by the Lessor for non-payment of rent by the lessee within a reasonable time to be therein specified or a breach or non-performance of any of the covenants therein contained and so as every lessee execute a counterpart and covenant thereby for payment of the rent thereby reserved.

6. Church of England Property Trust Diocese of Sydney is hereby authorised to pay to the Churchwardens for the time being of the parish of St. George's Glenmore Road aforesaid or any person or persons by them duly appointed for the purpose the rents and profits received under any such lease or leases as aforesaid and such Churchwardens shall apply the same (after payment thereof of all costs charges and expenses of and incidental to the said lease or leases) to any of the purposes hereinafter mentioned that is to say in the first place in and towards payment of the interest and principal of the sum or sums so raised on mortgage as aforesaid and of the costs charges and expenses incurred in connection with the raising thereof and the

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balance thereof shall be applied as parochial Church funds of the said Parish.

7. This Ordinance shall be styled and cited as "St. George's Glenmore Road Mortgaging and Leasing Ordinance 1930."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land containing by admeasurement one rood three and one-half perches or thereabouts situated in the Parish of Alexandria County of Cumberland and Colony now State of New South Wales being Lots four five six seven eight and nine of subdivision of the Duxford Estate at Paddington and forming part of seven acres and two roods originally granted to John Gurner commencing on the South-eastern side of the Glenmore Road at the Northernmost corner of Lot three of said subdivision and bounded thence on the North-west by the Glenmore Road bearing North-easterly one hundred and twenty-three feet nine inches to Lot ten thence on the North-east by a line dividing it from Lot ten bearing South fifty-four degrees thirty-three minutes East eighty-five feet seven inches to a lane twenty feet wide thence on the South-east by that lane bearing South thirty-five degrees twenty-seven minutes West one hundred and twenty-feet to aforesaid Lot three and thence on the South-west by a line dividing it from Lot three bearing North fifty-four degrees thirty-three minutes West one hundred and fifteen feet eight inches to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

All that piece or parcel of land containing by admeasurement sixteen perches or thereabouts situated in the Parish of Alexandria County of Cumberland and State of New South Wales being Lots four and five of the subdivision of the Duxford Estate at Paddington commencing at a point on the South-eastern building line of Glenmore Road distant ninety-nine feet seven inches South-westerly from the intersection of Glenmore Road and Gurner Street and bounded on the North-east by a line

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bearing one hundred and twenty-five degrees twenty-two minutes thirty seconds a distance of one hundred and four feet ten and one-half inches to a lane twenty feet wide thence on the South-east by the North-western building line of that lane bearing two hundred and fifteen degrees twenty minutes twenty seconds a distance of forty feet to the South-eastern corner of Application 27387 thence on part of the South-west by the boundary of that application being the north-eastern face of a wall bearing three hundred and five degrees twenty-nine minutes twenty seconds a distance of thirty-one feet seven inches thence on the remainder of the South-west by the boundary of the land in Application 27387 being the North-eastern face of a wall bearing three hundred and five degrees twenty minutes twenty seconds a distance of eighty-three feet eight and one-quarter inches to the building line of Glenmore Road thence on the North-west by the said building line bearing forty-nine degrees fifty-four minutes twenty seconds a distance of forty-one feet four inches 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 twenty-sixth day of May, 1930.

C. R. WALSH,

Secretary.

I assent to this Ordinance,

GERARD D'ARCY-IRVINE,

Bishop Coadjutor

Commissary.

29th May, 1930.