
St. John's Glebe Bishopthorpe Mortgaging and Leasing.

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AN ORDINANCE authorising the mortgage and leasing of certain land situate in Derwent Street Glebe near Sydney in the County of Cumberland Parish of Peter-sham and State of New South Wales such land being more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Deed of Appropriation bearing date the Seventh day of May in the year one thousand eight hundred and eighty nine made by Alfred Lord Bishop of Sydney registered No. 220 Book 1362 after reciting Deed Poll dated 9th July 1846 whereby Her late Majesty Queen Victoria granted unto the Bishop of Australia and his successors Forty acres of land to hold the same unto the said Bishop of Australia and his successors for ever for the maintenance of the Bishop of Australia and his successors and after reciting an Act of the Colony of New South Wales passed in the nineteenth year of the reign of Her late Majesty Queen Victoria intituled "An Act to enable the Bishop of Sydney and his successors to make Leases of certain land granted by Her Majesty for the maintenance of the Bishop of Australia and his successors" whereby (inter alia) it was enacted that it should be lawful for the Bishop of Sydney for the time being to appropriate any part of the said land not being at the time of such appropriation under Lease for the site of any Church Parsonage house or school or for any purpose connected with religious worship or education AND WHEREAS the lands hereinafter mentioned were not then under Lease and the Bishop of Sydney did thereby in exercise of the power given by the hereinbefore in part recited Act appropriate All that piece or parcel of land being allotments Numbers-16 17 18 19 and 20 of Section Number Two of the Bishopthorpe Estate Commencing at the North-west corner of allotment Number 20 and bounded on the North-west by St. John's Road to a lane sixteen and a half feet wide on the North-east by that lane to allotment No. 15 On the South-east by allotment No. 15 to Derwent Street and on the South-west by Derwent Street to St. John's Road being the point of commencement being part of the said 40 acres of land comprised in the hereinbefore recited Grant as and for a site of

a school for the education of youth according to the principles of the Church now known as and designated the Church of England in connection with the Church of St. John at Bishopthorpe subject in all respects to the management and control of the licensed Minister for the time being duly authorised to officiate in the Church known as St. John's Church Bishopthorpe AND WHEREAS by the "Saint John's Bishopthorpe Land Leasing Ordinance of 1895" it was ordained declared directed and ruled that the land described in the Schedule hereto (and in the Second Schedule thereto) might be demised freed from the trust aforesaid for any term not exceeding thirty years at such rent and upon such terms as the Bishop of Sydney might deem expedient and specifying certain terms to be incorporated in any such lease And that the Corporate Trustees appointed for the Diocese of Sydney by or under the "Church of England Trust Property Incorporation Act of 1881" were thereby appointed to receive the rents payable under any such lease or leases and should apply the same (after payment of the expenses in connection with the Ordinance, etc.) in the first place in and towards the improving or making additions to the Church of England Schools in the Parish of Saint John's Bishopthorpe or the out-houses fences easements or appurtenances thereto such schools being carried on in the School Houses and dwellings erected or to be erected on the land described in the hereinbefore recited Deed of Appropriation and in and towards the maintenance and keeping on foot the said schools and afterwards in payment of the salaries of the teachers employed in such Schools and shall pay all such moneys arising from the said lease or leases as aforesaid as shall not be required for the purposes aforesaid into the hands of the Minister and Churchwardens for the time being of the said Parish of Saint John's Bishopthorpe to be used by them for such general purposes in connection with the said Parish as the said Minister and Churchwardens may determine AND WHEREAS by Indenture of Lease dated 15th March 1897 Registered Number 932 Book 597 the Most Reverend The Bishop of Sydney did demise unto Edward Horne his heirs executors administrators and assigns All that the land described in the Schedule hereto for the term of thirty years from the first day of August 1896 upon the terms and conditions therein set out AND WHEREAS such lease is still valid and subsisting AND

WHEREAS it is expedient to mortgage Lots 16 and 17 of Section 2 of the Bishopthorpe Estate and being part of the land hereinbefore described and which is more particularly described in the Schedule hereto and to apply the moneys raised by such mortgage for the purpose of defraying the costs of the demolition and removal of the tower of the Church known as St. John's Bishopthorpe and the costs of the erection of a new tower and the expenses of and incidental thereto and of the costs of and incidental to this Ordinance AND WHEREAS it is expedient that an advance or advances of money not exceeding in the aggregate the sum of one thousand five hundred pounds should be obtained upon the security of part of the land hereinbefore described and more particularly described in the Schedule hereto for the purposes aforesaid AND WHEREAS it is expedient that the land in the Schedule hereto should be leased (after the expiration of the now existing lease) and the proceeds thereof applied in furtherance of the said Trust and for other 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 Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purposes of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to 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 obtain from time to time an advance or advances of money not exceeding in the aggregate the sum of One thousand pounds on the security of the said land more particularly comprised in the Schedule hereto (and the buildings erected thereon).

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

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3. 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) shall be paid by the said Archbishop of Sydney to the Churchwardens for the time being of the Church of St. John's Bishopthorpe (whose receipt shall be a sufficient discharge) and shall be by them applied in or towards the payment of the costs of the demolition and removal of the tower of the Church known as St. John's Bishopthorpe and of the costs of the erection of a new tower.

4. 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 pounds with which to discharge or renew any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof Provided however that after the expiration of ten years from the passing of this Ordinance no renewal of any mortgage shall be valid for a larger sum than seven hundred and fifty pounds and thereafter the principal sum shall be reduced at the rate of not less than one hundred pounds per year for the purpose of ascertaining the amount for which any renewal mortgage shall be valid.

5. The whole or portion of the land described in the Schedule hereto may from time to time be demised freed from the trusts aforesaid 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 the Trustee or Trustees for the time being 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 Lessors 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 the lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

6. The Corporate Trustees appointed for the Diocese of Sydney by or under the "Church of England Trust Property Incorporation Act of 1881" and the "Church of England Trust Property Act 1917" are hereby appointed to receive from the Lessee or Lessees the rents payable under any such lease or leases as aforesaid and shall apply the same (after payment thereof of the expenses of the said lease or leases) for any of the purposes hereinafter mentioned that is to say in the first place as to £40 for the general purposes of the Parish and secondly in and towards the payment of the interest and principal of the amount or amounts so raised on mortgage as aforesaid and subject thereto in and towards the improving or making additions from time to time as approved by the Archbishop of Sydney to the Church of England Schools in the Parish of Saint John's Bishopthorpe or the out-houses fences easements or appurtenances thereto such schools being carried on in the School Houses and dwellings erected on the land described in the hereinbefore recited Deed of Appropriation and in and towards the maintenance and keeping on foot the said Schools and afterwards in the payment of the salaries of the teachers employed in such Schools and out of the balance of such moneys arising from the said lease or leases as aforesaid as shall not be required for the purposes aforesaid shall pay to the Home Mission Society of the Diocese of Sydney a sum of Five pounds per centum per annum of such balance and shall pay the ultimate balance into the hands of the Minister and Churchwardens for the time being of the said Parish of Saint John's Bishopthorpe to be used by them for such general purposes in connection with the said Parish as the said Minister and Churchwardens may determine or in lieu of the purposes aforesaid for such other purposes as the Synod of the Diocese of Sydney shall from time to time by Ordinance direct.

7. This Ordinance shall be styled and cited the "St. John's Glebe Bishopthorpe Mortgaging and Leasing Ordinance 1925."

THE SCHEDULE REFERRED TO.

ALL THAT piece or parcel of land being Allotments Numbers sixteen and seventeen of Section Number Two of the Bishopthorpe Estate Commencing at the South-west corner of Allotment Number Fifteen and bounded on the South-west by Derwent Street eighty feet On the North-west by Allotment Number Eighteen One hundred and twenty feet to a lane sixteen and a half feet wide On the North-east by that lane eighty feet to allotment Number Fifteen and on the South-east by allotment Number Fifteen One hundred and twenty feet to the point of commencement be the said several dimensions a little more or less.

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

A. J. GOULD,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Sixth April, 1925.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th April, 1925.