
St. Mary's, Waverley, Land Mortgage.

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AN ORDINANCE to authorise the mortgage of certain land situate at Waverley in the Parish of Alexandria County of Cumberland and State of New South Wales and to provide for the application of the moneys arising from such mortgage and to amend "St. Mary's Waverley Land Sale and Variation of Trusts Ordinance 1920."

WHEREAS by an Indenture dated the sixteenth day of May in the year of our Lord One thousand eight hundred and sixty-four Registered Number 87 Book 88 and made between Robert William Newman (therein described) of the first part James Norton (therein described) of the second part and the said Robert William Newman William Barker and Edward Raynes (therein described) of the third part the land firstly described in the First Schedule hereto was granted bargained sold and released unto the said James Norton and his heirs to have and to hold the said land and hereditaments unto the said James Norton and his heirs to the use of the said Robert William Newman William Barker and Edward Raynes (thereinafter designated Trustees) their heirs and assigns for ever upon trust for the maintenance thereon of the Church known as St. Mary's Church or any other Church for the celebration of public worship according to the uses of the United Church of England and Ireland which might be erected in lieu thereof AND WHEREAS by an Indenture dated the twentieth day of April in the year of our Lord One thousand eight hundred and eighty-seven made between Stanley Mitchell (therein described) of the first part Phillip Billingsley Walker and Edward Stanley Ebsworth (therein described) of the second part and James Vickery William Henry Simpson and William Ransome Gullick (therein described and called Trustees) of the third part and Registered Number 559 Book 363 the land secondly described in the First Schedule hereto was for the consideration money therein mentioned granted bargained sold aliened released and confirmed unto the said Trustees and their heirs to the use of the said Trustees their heirs and assigns for ever upon such and the same trusts as are lastly hereinbefore recited being described in the now reciting Indenture as the same trusts as the parcel of land which is bounded on the West by the parcel

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of land thereby assured and whereon is erected the School House used in connection with St. Mary's Church Waverley was then held or such of them as were then subsisting and capable of taking effect AND WHEREAS the land described in the First and Second Schedules hereto is now vested in William Henry Simpson Charles James Dashwood Goldie and Samuel Walter James subject to the trusts in the hereinbefore recited Indentures or in the "St. Mary's Waverley Land Sale and Variation of Trusts Ordinance 1920" expressed and contained or to so much of the same as are still subsisting undetermined and capable of taking effect AND WHEREAS by the said Ordinance it was declared that by reason of circumstances subsequent to the creation of the said trusts in the hereinbefore recited Indentures respectively contained it had become inexpedient to carry out or observe the trusts of the land described in the Second Schedule hereto and it was thereby declared that the land described in the Second Schedule hereto shall be held upon trust for the erection and maintenance thereon of a Minister's dwelling in connection with Saint Mary's Church Waverley aforesaid instead of upon the hereinbefore recited trusts thereof AND WHEREAS it is considered expedient that an advance of money should be obtained upon the security of a mortgage or mortgages of the land described in the Second Schedule hereto and that the money to be so advanced should be applied in or towards the costs of the erection of the said Minister's dwelling NOW THEREFORE the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Trust Property Act 1917" or otherwise ordains declares directs and rules as follows:--

1. For the purpose of carrying out the erection of such Minister's dwelling it is expedient to obtain an advance of money upon the security of the land described in the Second Schedule hereto or any portion or portions thereof and the buildings erected or to be erected thereon and the said Trustees are hereby authorised to obtain an advance upon the security of the same of any sum or sums of money not exceeding in the whole the sum of two thousand pounds. The said advance may be obtained in one or several sums and upon the security of one mortgage

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over the whole or upon one or several mortgages over any portion or portions of the said land or buildings.

2. The said land or any portion or portions thereof together with the buildings erected or to be erected thereon and the appurtenances thereof may be mortgaged freed from the aforesaid trusts to secure the repayment of the money so to be borrowed as aforesaid together with the interest payable in respect thereof.

3. The amount so to be advanced shall be paid to the said Trustees and shall be applied for or towards the cost of erecting such Minister's dwelling upon the said land.

4. That any mortgage in pursuance of the powers thereby given may be renewed from time to time and the said land and buildings erected thereon may be mortgaged from time to time in connection with any such renewal or for the purpose of raising any sum or sums not exceeding in the whole the said sum of two thousand pounds with which to discharge the mortgage hereinbefore authorised or any other mortgage or charge given or executed in pursuance of the powers herein contained.

5. The proceeds arising from the sale or sales of the land authorised by the said Ordinance and the interest payable thereon after payment thereof of the costs charges and expenses specified in Clause 5. thereof as to the sum of not more than two thousand pounds in the said Clause directed to be applied by the said Trustees in erecting a Minister's dwelling shall in lieu of such direction be applied in or towards the payment of the costs charges and expenses incurred in respect of this Ordinance and any mortgage or mortgages or the renewal or discharge thereof and the interest from time to time payable in respect of any mortgage or mortgages over the said land or any part thereof and in or towards the repayment of the principal sum or sums secured until the whole of such interest and principal sum or sums shall have been repaid and subject to such application as hereinbefore mentioned the said proceeds and the interest payable thereon shall be paid to the Church of England Property Trust Diocese of Sydney to be invested and the income to be applied in accordance with Clause 6. of the said Ordinance.

6. This Ordinance shall be styled and cited as the "St. Mary's Waverley Land Mortgage Ordinance 1921" and shall be read with and as amending the "St. Mary's Waverley Land Sale and Variation of Trusts Ordinance 1920,"

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THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

Firstly all that parcel of land situated in the Parish of Alexandria in the County of Cumberland and State of New South Wales commencing at a point on the Northern side of Birrell Street in the Municipality of Waverley three hundred and forty feet Easterly from its intersection with Botany Road and bounded on the South by Birrell Street bearing East one hundred and ninety-two feet six inches on the East by part of R. Roberts ten acres and a line bearing North about one hundred and ninety-five feet to Phenna's land on the North by a line bearing West one hundred and ninety-two feet six inches and on the West by a line South dividing the same from the residue of the said Robert William Newman's land about one hundred and ninety-five feet to the point of commencement.

Secondly all that piece or parcel of land situate in the Parish of Alexandria in the County of Cumberland and State of New South Wales commencing at a point on the Northern side of Birrell Street in the Municipality of Waverley being the South-west corner of an allotment of land held in trust for the Church of Saint Mary's at Waverley and bounded on the East by the Western boundary of the said allotment being a line bearing North about one hundred and ninety-five feet to Phenna's land now or formerly Mr. John Martins on the North by a line bearing West forty-two feet six inches on the West by a line bearing South about one hundred and ninety-five feet to the Northern side of Birrell Street and on the South by the Northern side of Birrell Street being a line bearing East forty-two feet six inches to the point of commencement.

THE SECOND SCHEDULE HEREINBEFORE
REFERRED TO.

All that parcel of land situate in the Municipality of Waverley Parish of Alexandria County of Cumberland and State of New South Wales commencing on the Northern side of Birrell Street at its intersection with the Eastern side of a blind road about forty-one feet wide which is nearly opposite the Northern end of Carrington Road and bounded thence on the South by Birrell

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Street seventy feet East thence on the East by a line North one hundred and ninety-five feet thence on the North by a line West seventy feet and thence on the West by a line and the Eastern side of the blind road aforesaid in all a line one hundred and ninety-five feet to the point of commencement.

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

E. W. MOLESWORTH,

Chairman.

We certify that this Ordinance was passed this twenty-fourth day of November, 1921.

E. CLAYDON } *Secretaries*
W. R. BEAVER } *of the Synod.*

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

12th December, 1921.
