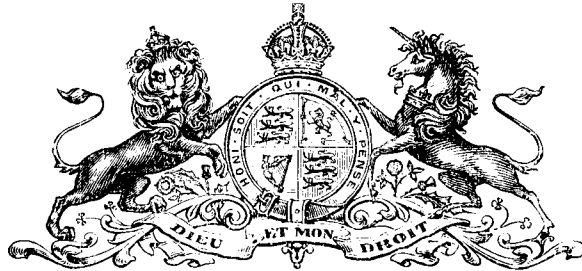


# New South Wales.



ANNO NONO

EDWARD VII REGIS.

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An Act to enable the trustees for the time-being of certain lands originally granted upon trust for the erection of a clergyman's dwelling-house in connection with the parish of Saint James, in the city of Sydney, to mortgage the said lands for the purpose of erecting upon another site a dwelling-house for the clergyman licensed to officiate in the said parish; to amend the Saint James' Parsonage Land Leasing Act: to authorise the application of the rents and profits of the said lands towards the payment off of the said mortgage, and to other parochial purposes not authorised by the said Act. [16th September, 1909.]

SAINT JAMES'  
PARSONAGE LANDS  
AMENDING.

**W**HEREAS by a deed of grant, dated the fourteenth day of June, Preamble.  
one thousand eight hundred and forty-five, certain lands  
were granted to certain trustees upon trust for the appropriation  
thereof

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*Saint James' Parsonage Lands Amending.*

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thereof as a dwelling-house for the clergyman duly appointed to officiate in the church of Saint James, in the city of Sydney: And whereas a dwelling-house was afterwards erected on the said lands in pursuance of the said trust: And whereas by an Act of Parliament passed in the fifty-first year of the reign of Her Majesty Queen Victoria, entitled the Saint James' Parsonage Land Leasing Act, the trustees for the time-being of the said trust lands which are fully described in the said Act were authorised to grant leases of the said trust lands as therein mentioned, and to apply the rents and profits arising from any such leases in and towards the maintenance, repair, and improvement of the then existing parsonage in the parish of Saint James, in the city of Sydney, and in such manner as the trustees for the time-being might deem advisable, and in the payment of the rent or purchase money of a dwelling-house for the clergyman for the time-being licensed to officiate in the said church of Saint James upon some other site, and in the enlargement, maintenance, repair, and improvement of the said church: And whereas, in pursuance of the said Act, the said trust lands have been let on building lease, and the parsonage or dwelling-house then existing on the said trust lands was demolished: And whereas the trustees for the time-being of the said trust lands have expended portion of the said rents and profits arising from the said trust lands upon the maintenance, repair, and improvement of the said church, and also in paying the rent of a dwelling-house upon another site for the clergyman for the time-being licensed to officiate in the said church, and have accumulated the unexpended balance of the said rents and profits from time to time: And whereas the Most Reverend John Charles Wright, Lord Archbishop of Sydney, Henry Williams, the Reverend William Isaac Carr Smith, Cyril Ernest Corlette, medical practitioner, and Sidney Herbert Young are the present trustees of the said trust lands: And whereas it is expedient that a suitable parsonage should be erected for the clergyman licensed as aforesaid, but the accumulations of the said rents and profits are insufficient for that purpose: And whereas it is expedient that the said trustees should have power to mortgage the said trust lands for the purpose of obtaining the balance of the money required for the erection of such parsonage so far as such accumulations of rents and profits will not extend: And whereas it is expedient that the trustees for the time-being of the said trust lands should have power to expend the rents and profits of the said trust lands for parochial purposes in the manner hereinafter mentioned in addition to the manner mentioned in the said Act: And whereas the said purposes and objects cannot be carried out without the authority of an Act of Parliament, and without the amendment of the Saint James' Parsonage Land Leasing Act aforesaid: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent

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consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. It shall be lawful for the said John Charles Wright, Henry Williams, William Isaac Carr Smith, Cyril Ernest Corlette, and Sidney Herbert Young, or the survivors of them, or other the trustees for the time-being of the said trust lands at any time, and from time to time to borrow and raise at interest any sum or sums of money not exceeding in the whole the sum of four thousand pounds, with power to pay off any mortgage or mortgages and to reborrow any sum or sums thereby secured or any less sum or sums, provided that not more than the said sum of four thousand pounds of principal moneys shall at any one time be due upon the security of the said trust lands, for the purpose of purchasing in whole or in part a proper site for a parsonage within the said parish, and for building and completing on such site a parsonage in all respects suitable as a residence for the clergyman for the time-being licensed to officiate in the said church, and to execute any mortgage or mortgages, with or without a power of sale of the said trust lands or any part thereof, or such site so to be purchased as aforesaid, for securing payment of the sum or sums so borrowed, and to give effectual receipts and discharges for the moneys advanced by any mortgagee, and to do all such acts as may be necessary or expedient for the purpose of effectuating such mortgage or mortgages.

Power to trustees to mortgage.

2. No mortgagee advancing money upon the security of any mortgage purporting to be made under the power herein conferred shall be bound to inquire whether such money is required for the purposes aforesaid, or in any way concerned to see to the application of such money when so advanced, or be liable for the loss, non-application, or misapplication thereof; and the declaration of the trustees that the principal sum proposed to be secured by any mortgage does not, with the other principal sums then due on the security of the said trust lands, exceed the sum of four thousand pounds, shall be sufficient evidence to the mortgagee under such mortgage of such fact.

Protection of the mortgagees.

3. Notwithstanding anything to the contrary contained in the Saint James' Parsonage Land Leasing Act, the trustees of the said trust lands shall from time to time out of the net rents and profits of the said trust lands in each year set apart two-third parts of such net rents and profits, and shall thereout pay the interest from time to time due on any such mortgage of the said trust lands, and shall accumulate the balance of such two-third parts at interest and apply the same in payment of the principal sum secured by any such mortgage as the same shall become due, and the said trustees shall pay and apply the remaining one-third part of the said rents and profits in the manner provided for the application of the rents and profits of the said trust lands by the Saint James' Parsonage Land Leasing Act and this Act.

Sinking fund for payment of mortgage.

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*Saint James' Parsonage Lands Amending.*

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Application of rents  
and profits of trust  
lands.

4. In addition to the purposes mentioned in the second section of the Saint James' Parsonage Land Leasing Act, the trustees for the time-being of the said trust lands may apply the rents and profits thereof (but subject to the provisions of the last preceding section of this Act) for all or any of the purposes following, that is to say, for the purpose of maintaining, repairing, or improving the buildings erected upon the said trust lands, or for the purpose of maintaining, repairing, or improving the parsonage to be erected under the provisions of this Act.

Short title.

5. This Act may be cited as the "Saint James' Parsonage Lands Amending Act, 1909."

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