

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 4th December, 1908. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

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.

WHEREAS 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

Saint James' Parsonage Lands Amending.

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
5 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
10 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
15 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
20 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
25 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 William Saumarez Smith, Lord Archbishop of Sydney, Henry Williams, the Reverend William Isaac Carr Smith, Cyril Ernest Corlette, medical practitioner, and Sydney
30 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
35 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
40 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
45 by the King's Most Excellent Majesty, by and with the advice and consent

Saint James' Parsonage Lands Amending.

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 William Saumarez Smith, 5 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, 10 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 15 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 20 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.
2. No mortgagee advancing money upon the security of any 25 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, 30 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.
3. Notwithstanding anything to the contrary contained in the 35 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 40 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 45 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.

Power to trustees to mortgage.

Protection of the mortgagees.

Sinking fund for payment of mortgage.

Saint James' Parsonage Lands Amending.

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, or in paying off or assisting in paying off any mortgage or incumbrance that may from time to time exist upon any building held upon any trust for or in connection with the Church of England in the said parish, or in assisting any school, institution, or organisation which may exist for educational or other charitable purposes in connection with the Church of England in the said parish.
5. This Act may be cited as the "Saint James' Parsonage Lands Amending Act, 1908."

Application of rents and profits of trust lands.

Short title.

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, December, 1908.* }

Clerk of the Parliaments.

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WHEREAS by a deed of grant, dated the fourteenth day of June, Preamble.
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were granted to certain trustees upon trust for the appropriation
thereof

Saint James' Parsonage Lands Amending.

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
5 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
10 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
15 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
20 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
25 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 William Saumarez Smith, Lord Archbishop of Sydney, Henry Williams, the Reverend William Isaac Carr Smith, Cyril Ernest Corlette, medical practitioner, and Sydney
30 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
35 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
40 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
45 by the King's Most Excellent Majesty, by and with the advice and consent

Saint James' Parsonage Lands Amending.

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 William Saumarez Smith, 5 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, 10 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 15 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 20 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.
2. No mortgagee advancing money upon the security of any 25 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, 30 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.
3. Notwithstanding anything to the contrary contained in the 35 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 40 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 45 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.

Power to trustees to mortgage.

Protection of the mortgagees.

Sinking fund for payment of mortgage.

Saint James' Parsonage Lands Amending.

- 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, or in paying off or assisting in paying off any mortgage or
- 10** incumbrance that may from time to time exist upon any building held upon any trust for or in connection with the Church of England in the said parish, or in assisting any school, institution, or organisation which may exist for educational or other charitable purposes in connection with the Church of England in the said parish.
- 15** **5.** This Act may be cited as the "Saint James' Parsonage Lands Amending Act, 1908."

Application of rents and profits of trust lands.

Short title.

Legislative Council.

1908.

A BILL

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.

(As amended and agreed to in Select Committee.)

WHEREAS 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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NOTE.—The words to be *inserted* are printed in black letter.

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 5 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, 10 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 15 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 20 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 25 unexpended balance of the said rents and profits from time to time: And whereas the Most Reverend William Saumarez Smith, Lord Archbishop of Sydney, Henry Williams, the Reverend William Isaac Carr Smith, Cyril Ernest Corlette, medical practitioner, and Sydney Herbert Young are the present trustees of the said trust lands: And 30 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 35 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 40 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 45 consent

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 William Saumarez Smith,
5 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,
10 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
15 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
20 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.
2. No mortgagee advancing money upon the security of any
25 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,
30 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.
3. Notwithstanding anything to the contrary contained in the
35 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
40 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
45 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.

Power to trustees to mortgage.

Protection of the mortgagees.

Sinking fund for payment of mortgage.

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, or in paying off or assisting in paying off any mortgage or incumbrance that may from time to time exist upon any building held upon any trust for or in connection with the Church of England in the said parish, or in assisting any school, institution, or organisation which may exist for educational or other charitable purposes in connection with the Church of England in the said parish.

Short title.

5. This Act may be cited as the "Saint James' Parsonage Lands Amending Act, 1908."

1908.

A BILL

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.

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5 Henry Williams, William Isaac Carr Smith, Cyril Ernest Corlette,
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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,
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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
15 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, for
20 securing payment of the sum or sums so borrowed, and to give effectual
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and to do all such acts as may be necessary or expedient for the
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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
40 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
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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
45 lands by the Saint James' Parsonage Land Leasing Act and this Act.

Power to trustees to mortgage.

Protection of the mortgagees.

Sinking fund for payment of mortgage.

Application of rents
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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 5
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, or in paying off or assisting in paying off any mortgage or incumbrance that may from time to time exist upon any building held 10
upon any trust for or in connection with the Church of England in the said parish, or in assisting any school, institution, or organisation which may exist for educational or other charitable purposes in connection with the Church of England in the said parish.

Short title.

5. This Act may be cited as the "Saint James' Parsonage Lands 15
Amending Act, 1908."