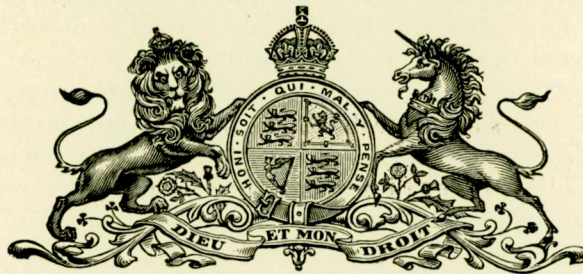


New South Wales.



ANNO NONO

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. [Assented to, 16th September, 1909.]

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 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

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 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.

Saint James' Parsonage Lands Amending.

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."

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1909.

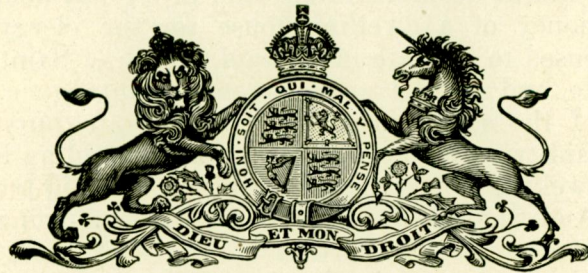
[3d.]

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 9th September, 1909.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO NONO

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. [Assented to, 16th September, 1909.]

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 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

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 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.

Saint James' Parsonage Lands Amending.

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."

In the name and on behalf of His Majesty I assent to this Act.

*State Government House,
Sydney, 16th September, 1909.*

CHELMSFORD,
Governor.

ST. JAMES' PARSONAGE LANDS AMENDING BILL.

SCHEDULE of the Amendments referred to in Message of 8 September, 1909.

Page 2, preamble, line 27. *Omit* "William Saumarez Smith" *insert* "**John Charles Wright**"

Page 3, clause 1, line 4. *Omit* "William Saumarez Smith" *insert* "**John Charles Wright**"

Page 4, clause 4, line 9. *After* "Act" *omit* "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."

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, 29th July, 1909.* }

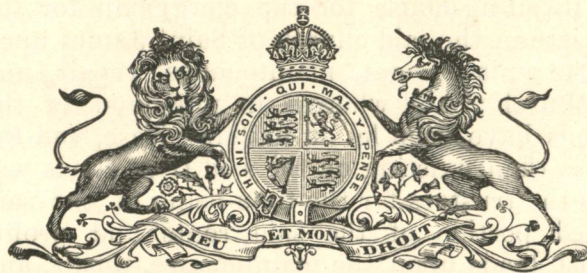
JOHN J. CALVERT,
Clerk of the Parliaments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

*Legislative Assembly Chamber,
Sydney, 8 September, 1909.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO NONO

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

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NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

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~~, **John Charles Wright**, Lord Archbishop of Sydney, Henry Williams, the Reverend William Isaac Carr Smith, Cyril Ernest Corlette, medical practitioner,
30 and Sydney 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
35 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
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, John~~ ^{Power to trustees to mortgage.} **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.
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.
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.

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, 1909."

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, 29th July, 1909. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO NONO

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, 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, 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 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.
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.

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, 1909."

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, July, 1909.* }

Clerk of the Parliaments.

New South Wales.



ANNO NONO

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
c 9— thereof

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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
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

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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 William Saumarez Smith, Power to trustees to mortgage.
 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 Protection of the mortgagees.
 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 Sinking fund for payment of mortgage.
 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.

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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 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, 1909."

Application of rents and profits of trust lands.

Short title.