
The St. Mark's Church Granville Mortgaging, 1924.

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AN ORDINANCE to authorise the mortgaging of certain land situated in the Town of Granville in the Parish of Liberty Plains and County of Cumberland in the State of New South Wales being Allotment No. 7 of a re-subdivision of Lots 1 and 2 of Section B of the Drainwell Estate and to provide for the application of the proceeds thereof.

WHEREAS by Indenture of Conveyance bearing date the second day of April one thousand eight hundred and eighty and made between John Sheaves senior therein described (and thereafter designated Vendor) of the one part and Stephen John Pearson, Lawrence Julius Olson, Harry Richardson, John Scarborough and William James Gunther therein also described (and therein called the said Trustees) of the other part and Registered Number 101 Book 201 it was witnessed that in consideration of the sum of One hundred and thirty pounds to the said Vendor paid by the said Trustees the said Vendor in exercise of the power of appointment vested in him by the Indenture therein recited and in exercise of all and singular other powers and authorities in any wise enabling him in that behalf did appoint that the piece or parcel of land thereafter described with the appurtenances should thenceforth go remain and be to the uses and upon the trusts thereafter expressed and declared concerning the same And it was further witnessed that for the considerations aforesaid the said Vendor (so far as the appointment thereinbefore made if incomplete should not operate or extend) did grant bargain sell release and confirm unto the said Trustees and their heirs inter alia ALL THAT piece or parcel of land situate lying and being in the Parish of Liberty Plains County of Cumberland and Colony (now State) of New South Wales and being Lots Seven and Eight of a subdivision of Lots One and Two of Section B of the Drainwell Estate near the Parramatta Junction and containing an area of One acre Commencing at a point formed by the intersection of the East side of Jamieson Street with

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the North side of Mary Street and bounded on the West by Jamieson Street bearing North One hundred and sixty-five feet on the North by the Southern boundary of Carsons Lot Six bearing East Two hundred and sixty-four feet on the East by part of the Western boundary of F. S. Lea's original Lot Seven bearing South One hundred and sixty-five feet and on the South by the North boundary of Joseph Cross' Lot Nine bearing West Two hundred and sixty-four feet to the point of commencement be the said several dimensions a little more or less To hold the same unto and to the use of the said Trustees their heirs and assigns for ever as joint tenants but upon trust for the erection and maintenance thereon of a Church or building to be called "

for the celebration of public worship according to the use of the Church then or lately known as the United Church of England and Ireland and for the further purposes of a dwelling house for the use of the Minister for the time being of the said Church or building and of a school house for the education of children of members of the Church of England and of such other children as the Minister for the time being of the said Church or building might approve and for a burial ground in connection with the said Church or building or for any of such purposes But subject to the provisions of an Act of the Governor and Legislative Council of the State (then Colony) aforesaid passed in the eighth year of the reign of his late Majesty King William IV. No. 5 intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" And it was therein amongst other things provided that in case it should appear desirable to the said Trustees to borrow any money at interest on mortgage of the said trust property on all or any part of the said property it should be lawful for the Trustees for the time being of the now reciting presents to make such mortgage upon such terms and in such manner as they should with the consent of the Bishop of the Diocese for the time being think proper and thereupon to mortgage the land and hereditaments so mortgaged or agreed to be mortgaged to the mortgagee or mortgagees thereof respectively and all moneys advanced to the said Trustees upon any such mortgage as aforesaid should after defraying expenses be held in trust for the same or some other

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Church or building as aforesaid and such attendant public purposes as expressed in the same security But no mortgagee of the said land should be bound to see to the application of any money paid by him to the said Trustees after obtaining their receipt in writing for the same AND WHEREAS a Church known as St. Mark's Granville and a school house have been erected upon Lot 8 being part of the lands and hereditaments conveyed to the said Trustees by the hereinbefore recited Indenture AND WHEREAS a building known as the Rectory has been erected upon Lot 7 and is used as a dwelling house by the Minister for the time being of the said Church AND WHEREAS by Indenture bearing date the 9th day of April 1908 registered No. 969 Book 733 the said lands and hereditaments (inter alia) became vested in the said Lawrence Julius Olson, Harry Richardson, John Scarborough, Ernest Brougham Docker and Thomas Irons as Trustees under the hereinbefore recited Indenture of Conveyance AND WHEREAS the said John Scarborough is the sole surviving Trustee under the said Trusts hereinbefore recited and is now the Trustee of the said Church Property AND WHEREAS it is expedient to mortgage the said Lot 7 which is more particularly described in the Schedule hereto and to apply the moneys raised by such mortgage for the purpose of defraying the cost of the enlargement of the Church building known as St. Mark's Church already erected upon Lot 8 and in the enlargement of the School House and of the expenses incidental thereto and 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 pounds should be obtained upon the security of the said land described in the Schedule hereto for the purposes aforesaid AND WHEREAS by an Act of Parliament passed in the eighth year of the reign of His Majesty King George the Fifth entitled "Church of England Trust Property Act 1917 (No. 21)" it was enacted that during the recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance of Synod might in place of such Synod exercise such of the powers and functions referred to in the said Act as should be determined by Ordinance of the Synod AND WHEREAS by an Ordinance of the Synod passed in the year One thousand nine hundred and eighteen the Standing Committee was appointed

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for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions and make all or any of the things referred to in Sections 26 to 31 (inclusive) constituting Part VI. of the said Act Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the power in that behalf conferred upon it by the said Act and Ordinance 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 and by the "Church of England Trust Property Act 1917" or otherwise in the name and in place of such Synod ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts it has become expedient to mortgage the land described in the Schedule hereto and to obtain an advance or advances of money not exceeding in the aggregate One thousand pounds upon the security of the said land and the buildings erected and to be erected thereon.

2. The said land described in the Schedule hereto and the buildings erected and to be erected thereon may be mortgaged to secure the repayment of the moneys so advanced or to be advanced upon the security thereof and the said Trustee or other the Trustees for the time being of the said land described in the Schedule hereto is hereby authorised for the purposes aforesaid or any of them to execute and do all such mortgages deeds assurances and things as may be necessary or as the said Trustee or such other Trustees shall think fit and further to make any such mortgage as aforesaid either with or without power of sale and with and subject to such other powers covenants and provisions as he or they shall think proper.

3. The amount or amounts so to be from time to time advanced upon any such mortgage shall be paid to the Trustee or other the Trustees as aforesaid jointly with the Registrar of the Diocese whose receipt shall be a sufficient discharge and shall be applied in the first place in or towards the costs of and incidental to this Ordinance and any mortgage or mortgages

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executed in pursuance of the powers hereby conferred and subject thereto shall be applied in or towards the payment of the cost of the enlargement of the Church Building known as St. Mark's Granville and of the enlargement of the School House.

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 One thousand pounds with which to discharge or renew the mortgage or mortgages now authorised or any mortgage or mortgages substituted therefor and any interest accrued due in respect thereof. Provided that after the expiration of ten years from the passing of this Ordinance no mortgage given under the authority of this section shall be valid for a larger sum than five hundred pounds and thereafter the principal sum shall be reduced at the rate of not less than one hundred pounds per year.

5. This Ordinance shall be styled and cited as "The St. Mark's Church Granville Mortgaging Ordinance of 1924."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated lying and being in the Parish of Liberty Plains County of Cumberland and Colony (now State) of New South Wales being Lot 7 of a re-subdivision of Lots 1 and 2 of Section B of the Drainwell Estate Commencing on the East side of Jamieson Street at the intersection of Lot 8 of the said subdivision with said Lot 7 bounded on the West by Jamieson Street bearing North $82\frac{1}{2}$ feet on the North by the Southern boundary of Carson's Lot 6 bearing East 264 feet on the East by part of the Western boundary of F. S. Lea's original Lot 7 bearing South $82\frac{1}{2}$ feet and on the South by the North boundary of St. Mark's Church Trustees Lot 8 aforesaid bearing West 264 feet to the point of commencement.

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I hereby certify that this Ordinance was passed in Committee.

A. J. GOULD,
Chairman of Committee.

7th April, 1924.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Seventh day of April, 1924.

C. R. WALSH,
Secretary.

I assent to this Ordinance

GERARD D'ARCY-IRVINE,
V.G., Commissary.

16th April, 1924.