

THE LISMORE LAND MORTGAGE ORDINANCE, 1934

Whereas by five several Deeds of Grant bearing date respectively the 29th December, 1859, under the hand of His Excellency, Sir William Thomas Denison, then Governor of the State of New South Wales, Her Most Gracious Majesty Queen Victoria did thereby grant unto the Right Reverend William Tyrell, D.D., Bishop of Newcastle, and his successors forever, all those pieces or parcels of land described in the Schedule hereto; and whereas by Section 20 of the Church of England Trust Pro-

erty Act, 1917, it is enacted that from and after the passing of the said Act every Bishop of the Church of England for the time being acting and recognised as being the Bishop of any Diocese then existing or which might thereafter be created in the said State, should be entitled to all real and personal estate held upon trust for the benefit of the Church in his Diocese, which is or shall thereafter be vested in any Bishop of the Church of England in the said State, or which was vested at the time of his death in any Bishop since deceased of the said Church and such real and personal estate should by force of the reciting Statute (but subject to the Trust affecting the same respectively) vest in such Bishop accordingly as if the same had been originally granted or conveyed to him and his successors as a Body Corporate, and that every such Bishop should in all respects within his Diocese have and enjoy all and singular the same rights, powers, and privileges, whether created by Statute, Act, Grant, Deed, or other instrument whatsoever as were enjoyed or possessed therein by the Bishops his predecessors. And whereas the said five parcels of land hereinafter described are respectively situated in the Parish of Lismore, village of Lismore, and county of Rous, in the Diocese of Grafton; and whereas in the opinion of the Synod of the Diocese of Grafton by and at the request and with the consent of the Rector of the Parish of Lismore and a majority of the Churchwardens and Parochial Council for the said Parish of Lismore, it is expedient that a sum not exceeding two thousand one hundred pounds be raised upon the security of the said lands and hereditaments comprised and described in the Schedule hereto for the purposes hereinafter mentioned, and set forth in this Ordinance, that is to say for the purpose of carrying out and giving effect to the trusts or purposes attached to the same being for the use and benefit of the Church of England in the Parish of Lismore. Be it, therefore, ruled, ordained, directed and declared by the Synod of the Diocese of Grafton 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 in the said State and of all powers vested in the said Synod by the Church of England Trust Property Act 1917 as follows:—

1. The Right Reverend the Bishop of Grafton (throughout this Ordinance designated "the said Bishop"), is hereby authorised and empowered to obtain and raise by loan a sum not exceeding Two thousand one hundred pounds at the usual and current rate of interest to be secured by Mortgage on the said lands and hereditaments described in the Schedule hereto, and the said Bishop shall be and is hereby authorised to sign, seal and execute all necessary mortgages or securities over the said lands and hereditaments to the person or persons, corporate bodies or companies advancing such principal moneys, as aforesaid, for securing the repayment thereof with interest thereon, provided always that before any such mortgage or security be signed or executed as aforesaid there shall be given to the said Bishop a sufficient guarantee or bond or indemnity to the satisfaction of the said Bishop, indemnifying him and his estate and effects from and against the payment of the said principal

and interest moneys. Every mortgage executed under the authority of this Ordinance shall in addition to all usual covenants contain a power of sale and also a covenant for the repayment of the principal money and interest thereby accrued by annual instalments or such other periodical payments as the Bishop shall approve.

2. The principal moneys obtained and raised by and from any such mortgage or other security as aforesaid shall be received by the said Bishop and applied by him—

(a) For the completing and furnishing of the Church at Lismore known as St. Andrew's.

3. This Ordinance may be cited and known as "The Lismore Land Mortgage Ordinance, 1934."

SCHEDULE.

ALL THAT allotment or parcel of land in the said State of New South Wales containing by admeasurement Two Roods be the same more or less situated in the County of Rous, Parish of Lismore and Village of Lismore, being allotment No. 6 of Section No. 4, commencing on the South-West side of Orion street at the North corner of allotment seven, and bounded thence on the North-East by that street, North-Westerly two chains and 50 links to a lane on the North-West by that lane South-Westerly at right angles to Orion street two chains on the South-West by part of the North-East boundary line of allotment eight South-Easterly parallel with Orion street, two chains and 50 links and on the South-East by the North-West boundary line of allotment seven aforesaid North-Easterly at right angles to Orion street two chains to the point of commencement being the allotment sold as Lot 35 in pursuance of the proclamation of 28th June, 1959. And also all that allotment or parcel of land in the said State containing by admeasurement two roods be the same more or less situated in the County of Rous, Parish of Lismore and Village of Lismore, being allotment No. 7 of Section No. 4, commencing at the East corner of the section and bounded thence on the North-East by Orion street North-Westerly two chains and 50 links on the North-West by the South-East boundary line of allotment six, South-Westerly at right angles to Orion street two chains on the South-West by part of the North-East boundary line of allotment eight, links to Keen street, and on the South-East by that street North-Easterly two chains to the point of commencement being the allotment sold as Lot 36 in pursuance of the Proclamation of 28th June, 1859. And also all that allotment or parcel of land in the said State containing by admeasurement two roods be the same more or less situated in the County of Rous Parish of Lismore and Village of Lismore being allotment No. 8 of Section No. 4 commencing on the North-West side of Keen street at the South corner of allotment seven and bounded thence on the South-East by that street South-Westerly one chain on the South-West by the North-East boundary line of allotment 9

North-Westerly at right angles to Keen street five chains to a lane on the North-West by that lane North-Easterly parallel with Keen street one chain and on the North-East by the South-West boundaries of allotments and aforesaid 7 being in all a line South-Easterly at right angles to Keen street five chains to the point of commencement being the allotment sold as Lot 37 in pursuance of the Proclamation of 28th June, 1859. And also all that allotment or parcel of land in the said State containing by admeasurement two roads be the same more or less situated in the County of Rous Parish of Lismore and Village of Lismore being allotment No. 9 of Section No. 4 commencing on the North-West side of Keen street at the South corner of allotment eight and bounded thence on the South-East by that street South-Westerly one chain on the South-West by the North-East boundary line of allotment 10 North-Westerly at right angles to Keen street five chains to a lane on the North-West by that lane, North-Easterly parallel with Keen street one chain and on the North-East by the South-West boundary line of allotment 8, aforesaid South-Easterly at right angles to Keen street five chains to the point of commencement being the allotment sold as Lot 38 in pursuance of the Proclamation of 28th June 1859. And also all that allotment or parcel of land in the said State containing by admeasurement two roads be the same more or less situated in the County of Rous Parish of Lismore and Village of Lismore being allotment No. 10, of Section No. 4 commencing on the North-West side of Keen street at the South corner of allotment 9 and bounded thence on the South-East by that street South-Westerly one chain on the South-West by the North-East boundary line of allotment 11 North-Westerly at right angles to Keen street five chains to a lane on the North-West by that lane North-Easterly parallel with Keen street one chain and on the North-East by the South-West boundary line of allotment 9 aforesaid South-Easterly at right angles to Keen street five chains to the point of commencement being the allotment sold as Lot 39 in pursuance of the Proclamation of 28th June 1859.

We hereby certify that this Ordinance was passed by the Synod of the Diocese of Grafton on the 25th day of September, 1934.

F. S. DUTTON, Clerical Secretary.

I. C. Dight, Lay Secretary.

I assent to this Ordinance.

JOHN WILLIAM GRAFTON.

September 26, 1934.