

*Diocesan Revenues—St. Philip's Glebe (Further Mortgage)—  
Bishophorpe Ordinance 1949.*

No. 2, 1949.

AN ORDINANCE to authorise the raising of certain moneys by mortgage of land known as Portion B of St. Philip's Glebe and to provide for the application thereof in supplementing the Diocesan Revenues and for the repayment thereof out of the rents of the Bishophorpe Estate.

WHEREAS the land comprised in Crown Grant dated the 13th day of September 1842 referred to in the Glebe Administration Ordinance 1930 as Portion B of St. Philip's Glebe (except so much thereof as has been resumed) is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trust") subject to the trusts declared in the Bishops court, St. Philip's Glebe, Bishophorpe-Repairs, Mortgage Sale Ordinance 1928 and the said Glebe Administration Ordinance 1930, and subject to the mortgages to the Bank of New South Wales dated the 10th day of December 1926 (Registered No. 563 Book 1453) and Equitable Charges to the said Bank dated respectively the 16th day of July 1936, the 16th day of December 1937 and the 10th day of February 1940.

AND WHEREAS the land comprised in Crown Grant dated the 9th day of July 1846 and known as the Bishophorpe Estate (except so much thereof as has been appropriated sold or resumed) is vested in the Corporate Trust subject to the trusts in favour of the Bishop of Australia and his successors set out in the said Crown Grant as varied by the Sydney Diocesan Revenues Act 1905 and various Ordinances passed in pursuance thereof and subject also to various leases made in pursuance of an enabling Act of Parliament assented to on the 21st day of November 1855.

AND WHEREAS the respective terms created by a number of the said leases will expire on the 17th day of February 1955 and thereafter.

AND WHEREAS the Diocesan Revenues Ordinance of 1945 and the Diocesan Revenues Ordinance 1947 provide for the application of certain moneys as therein provided and for the repayment of such moneys out of the net rents issues and profits arising from the Bishophorpe Estate on and after the year 1955 in the manner therein specified.

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AND WHEREAS the moneys directed to be applied by such Ordinances are almost exhausted and it is necessary and expedient to make further provision for the expenses incurred by the Archbishop of Sydney in the discharge of his duties and the exercise of his functions as Archbishop and Metropolitan.

The Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which St. Philip's Glebe and The Bishopthorpe Estate are now subject—

- (a) it has become expedient to carry out and observe such trusts insofar as the same are varied by this Ordinance; and
- (b) it appears<sup>in</sup> expedient to mortgage Portion B of St. Philip's Glebe and to apply the money arising from such mortgage for the purpose set out in this Ordinance.

2. The Corporate Trust may from time to time mortgage Portion B of St. Philip's Glebe, subject to any mortgage or charge existing at the date of any such mortgage, to raise and secure the moneys to be applied by it under Clause 3 and interest thereon and all costs charges and expenses of and incidental to raising such moneys and this Ordinance not exceeding in all Eleven thousand pounds (£11,000).

3. The Corporate Trust shall apply the money so borrowed in providing for all costs charges and expenses mentioned in Clause 2 hereof and subject thereto—

- (a) In payment to the present Archbishop of Sydney of the sum of £1,200 per annum by monthly instalments to be applied by him in the discharge of his duties or the exercise of his functions as Archbishop and Metropolitan for the following purposes—
  - (i) The use maintenance and upkeep of the motor car or motor cars at present in use by him or any motor car purchased or acquired in accordance with sub-clause (b) and in connection therewith the employment of such persons and the purchase of such

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goods as he may consider necessary or convenient and the payment of all proper and usual insurances and registration.

(ii) The maintenance of a telephone or telephones or other speedy and convenient means of communication with other persons.

(iii) The upkeep of the grounds of the Church's property at Bishopcourt, Greenoaks Avenue, Edgecliff.

(b) As and when in the opinion of the said Standing Committee it becomes necessary from time to time in the purchase exchange or acquisition of a suitable motor car or motor cars for the use of the present Archbishop of Sydney or any person administering the Diocese.

4. Notwithstanding the provisions of the Diocesan Revenues Ordinance 1945 and the Diocesan Revenues Ordinance 1947 the net rents issues and profits arising from The Bishopthorpe Estate on and after the 17th February 1955 to the extent to which they are not required for the stipend and emoluments of the Archbishop of Sydney or otherwise in accordance with the Sydney Diocesan Revenues Act 1905 or any Ordinance made in pursuance thereof shall be applied

(a) in such manner and by such instalments as the Corporate Trust may arrange—

(i) firstly, in paying off the principal interest and other moneys secured by the mortgage authorised by this Ordinance and the costs of and incidental to its discharge;

(ii) secondly, in accordance with Clause 2 of the Diocesan Revenues Ordinance 1947; and

(b) subject as aforesaid in such manner as the said Synod may by Ordinance direct.

5. This Ordinance may be cited as the "Diocesan Revenues—St. Philip's Glebe (Further Mortgage)—Bishopthorpe Ordinance 1949."

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I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 28th day of March, 1949.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

29th March, 1949.