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*Bishopscourt, St. Philip's Glebe, Bishopthorpe—Repairs,  
Mortgage, Sale Ordinance, 1928.*

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**No. 17. 1928.**

AN ORDINANCE to authorise the raising of certain moneys by way of mortgage of land known as St. Philip's Glebe and the sale or mortgage of other land known as the Bishopthorpe Estate and to provide for the application of the moneys so raised.

WHEREAS by an Ordinance passed on the 29th day of August 1927 known as the Bishopscourt Land Sale and Mortgaging Ordinance 1927 it was declared by the Standing Committee of the Synod of the Diocese of Sydney that by reason of certain circumstances it had become necessary to expend certain moneys in repairing and making additions to the residence of the Archbishop of Sydney known as Bishopscourt and for the purpose of raising such moneys to sell part of the land upon which the said residence was erected and to mortgage such residence and land in the manner provided by the said Ordinance AND WHEREAS the land authorised by the said Ordinance to be sold has not yet been sold and the cost of such repairs and additions has been raised upon mortgage of the said residence and the land attached thereof and it has now become necessary to make other provision for the payment of the said mortgage moneys and the interest thereon AND WHEREAS by Crown Grant under the hand of Sir George Gipps the then Governor of New South Wales dated the thirteenth day of September One thousand eight hundred and forty-two certain land hereinafter called St. Philip's Glebe was granted upon trust for the appropriation thereof as the Glebe annexed to the Church of the United Church of England and Ireland as by law established erected at Sydney and known as St. Philip's AND WHEREAS the St. Philip's Glebe was transferred to and vested in The Church of England Property Trust Diocese of Sydney AND WHEREAS by the St. Philip's Glebe Land Vesting Management Ordinance 1920 certain portion of St. Philip's Glebe was vested in a Board of Trustees constituted thereunder but the remainder thereof remained and is still vested in the Corporate Trustees subject however to a certain Lease

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which expires on the thirty-first day of July One thousand nine hundred and thirty-one AND WHEREAS by an Ordinance passed on the 15th day of October 1925 and known as the Bishop-Coadjutor Stipend Ordinance of 1925 it was provided (inter alia) that the said remainder or such portion of St. Philip's Glebe as was then vested in the Corporate Trustees might from time to time be mortgaged to raise and secure the repayment of sufficient moneys to pay the stipend of the Bishop-Coadjutor and in paying off the principal interest and other moneys owing under the Mortgages therein mentioned AND WHEREAS by an Ordinance passed on the 13th day of October 1927 and known as the Diocesan Missioners Stipend Ordinance of 1927 it was provided (inter alia) that the said remainder or such portion of St. Philip's Glebe as was then vested in the Corporate Trustees might be further mortgaged for the purpose of paying the Stipend of the Diocesan Missioner or Missioners by the Ordinance now in recital provided for and in payment of the principal interest and other moneys owing under the said Mortgage and further Mortgages AND WHEREAS by Deed of Grant from the Crown dated the ninth day of July 1846 certain other lands situated in the County of Cumberland Parish of Petersham and now known as the Bishopthorpe Estate were vested in the Bishop of Australia and his successors upon trust for the maintenance of the said Bishop of Australia and his successors AND WHEREAS the greater part of the said Bishopthorpe Estate has been leased upon leases the majority of which will expire in the year 1955 and certain other portions of the said Bishopthorpe Estate have been taken by the Crown for public purposes AND WHEREAS it is expedient by reason of the circumstances aforesaid that the said remainder of St. Philip's Glebe should be provisionally charged with and be subject to the payment of the cost of the repairs and additions to Bishopscourt and for that purpose should be mortgaged as hereinafter mentioned and that the said property known as the Bishopthorpe Estate should be charged with the ultimate payment of the said moneys so that such moneys should be repayable out of the Bishopthorpe Estate when and as the leases thereof expire. Now therefore the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 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 or otherwise declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the creation of the trusts to which the said remainder of St. Philip's Glebe is now subject and by reason of the fact that it has become necessary to provide for the payment of the moneys paid and payable in respect of the repairs and additions to Bishopscourt aforesaid pending the sale of the land authorised by the said Bishopscourt Land Sale and Mortgaging Ordinance 1927 and after such sale to provide for the payment of the difference between the amount to be received from such sale and the cost of such repairs and additions and the costs and expenses of and incidental to the hereinbefore recited Ordinance known as The Bishopscourt Land Sale and Mortgaging Ordinance 1927 and for the purposes aforesaid to charge such remainder of St. Philip's Glebe with the payment of the cost of such repairs additions and other costs and expenses until such cost shall be paid out of the sale or mortgage of Bishopthorpe Estate as hereinafter provided.

2. The said remainder or such portion thereof as aforesaid of St. Philip's Glebe now vested in the Corporate Trustees may from time to time be further mortgaged subject to any mortgage which has already or may hereafter be created, in pursuance of the hereinbefore recited Ordinances known as the Bishop Coadjutor Stipend Ordinance of 1925 and the Diocesan Missioner's Stipend Ordinance of 1927 to raise and secure the repayment of sufficient moneys:—

- (a) To pay the cost of the repairs and additions which have been made to the residence known as Bishopscourt and the costs and expenses referred to in clause 3 of the Bishopscourt Land Sale and Mortgaging Ordinance 1927.
- (b) To pay the principal interest and other moneys owing under any mortgage created in pursuance of this Ordinance to 31st July 1931.
- (c) To pay all costs charges and expenses of and incidental to raising such moneys and this Ordinance.

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3. The net rents issues and profits arising from the remainder of the said St. Philip's Glebe lands now vested in the Corporate Trustees after paying and satisfying all endowments payable thereout shall on or after the 31st day of July 1931 be applied as follows:—

- (a) In paying the Stipend of the Bishop Coadjutor as provided by the Bishop Coadjutor Stipend Ordinance of 1925.
- (b) In paying the Stipend of the Diocesan Missioner or Missioners provided by the Diocesan Missioner's Stipend Ordinance of 1927.
- (c) In paying the cost of the repairs and additions which have been made to the residence known as Bishopscourt.
- (d) In paying the principal interest and other moneys owing under the said mortgages and further mortgages

and the balance of the same shall be applied from time to time as Synod shall by Ordinance direct.

4. By reason of circumstances which have occurred since the creation of the trusts to which the said Bishopthorpe Estate is subject it has become inexpedient to carry out or observe such trusts so far as the same conflict with the provisions of this Ordinance and it has become expedient that the Corporate Trustees should be empowered to mortgage and/or sell the said Bishopthorpe Estate in manner hereinafter mentioned to provide for the payment of any moneys raised in pursuance of this Ordinance.

5. The said Bishopthorpe Estate or such portion thereof as is now vested in the Corporate Trustees may upon the expiration of the Leases thereof be mortgaged and/or sold in subdivision or otherwise for the purpose of raising sufficient moneys to pay the moneys hereinbefore mentioned in clause 2 hereof and thereupon any mortgage created in pursuance of this Ordinance which shall then be existing over the remainder of St. Philip's Glebe shall be discharged.

6. Upon any mortgage or mortgages sale or sales made in pursuance of this Ordinance the receipt of the Corporate Trustees for any moneys to be received in respect thereof shall effectually discharge the person or persons paying the same from being con-

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cerned to see to the application thereof or being answerable for the loss misapplication or non-application thereof or to enquire whether the amount raised by such mortgage or mortgages is more than sufficient to provide for the moneys hereinbefore mentioned.

7. For the purpose of this Ordinance the words "Corporate Trustees" wherever the same occur shall be taken to mean the Church of England Property Trust Diocese of Sydney.

8. This Ordinance may be cited as "Bishopscourt, St. Philip's Glebe, Bishopthorpe—Repairs, Mortgage, Sale Ordinance, 1928."

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

A. J. GOULD,  
Chairman of Committees.

We certify that this Ordinance was passed this third day of October, 1928.

S. H. DENMAN  
HARINGTON B. COWPER } Secretaries of  
the Synod.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th October, 1928.