

St. John's Ashfield Repayment Ordinance 1929.

No. 15. 1929.

AN ORDINANCE to raise and secure the repayment of sufficient moneys to recoup The Home Mission Society in respect of certain payments in connection with the parish of St. John's Ashfield.

WHEREAS it is expedient to make provision for certain payments in connection with the parish of St. John's Ashfield.

AND WHEREAS by Crown Grant under the hand of Sir George Gipps 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 St. Philip's Glebe was transferred to and vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust).

AND WHEREAS by the St. Philip's Glebe Land Vesting Management Ordinance 1920 a 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 Trust subject however to a certain Lease which expires on the thirty-first day of July one thousand nine hundred and thirty-one.

AND WHEREAS by the Bishop Coadjutor Stipend Ordinance of 1925 provision was made for mortgaging the said remainder then vested in the Corporate Trust to raise and secure the repayment of sufficient moneys to pay the Stipend of the Bishop Coadjutor.

AND WHEREAS by The Diocesan Missioner's Stipend Ordinance 1927 provision was made for further mortgaging the said remainder to raise and secure the repayment of sufficient moneys to pay the stipend or stipends of a Diocesan Missioner or Missioners.

AND WHEREAS by the Bishops court St. Philip's Glebe Bishopthorpe--Repairs Mortgage Sale Ordinance 1928 provision was made for further mortgaging the said remainder to raise and secure the repayment of sufficient moneys to pay the cost of certain repairs and additions to Bishops court.

AND WHEREAS the Reverend Ainslie Arthur Yeates is Rector of St. John's Ashfield and is and has been for some time past incapable of discharging his ministerial duties.

AND WHEREAS the Reverend Arthur Killworth has been appointed temporarily to discharge such duties pending the making of adequate provision for the termination of the appointment of the said Ainslie Arthur Yeates as the Incumbent of the said parish and the appointment of a successor in his place and while so acting the stipend attached to the office of Rector of St. John's aforesaid has been and is being paid to the said the Reverend Arthur Killworth and he is occupying the Rectory of St. John's.

AND WHEREAS it has been recommended by the Standing Committee that The Home Mission Society should make payments at the rate of three hundred and fifty pounds a year to Mrs. Yeates the wife of the said Reverend Ainslie Arthur Yeates from time to time over a period not exceeding one year from the first day of December one thousand nine hundred and twenty-eight and such further period as the Standing Committee may thereafter recommend subject to a condition that Mrs. Yeates should vacate the Rectory during January one thousand nine hundred and twenty-nine which condition was fulfilled and that such expenditure including the expenses thereof should be repaid to The Home Mission Society out of such funds as Synod should direct.

AND WHEREAS it is expedient by reason of circumstances subject to the passing of the hereinbefore recited Ordinance that the said remainder still vested in the Corporate Trust as aforesaid should be furthermore mortgaged to raise and secure the repayment of sufficient moneys to repay to The Home Mission Society the sums hereinafter mentioned and interest thereon.

NOW THE SYNOD OF THE DIOCESE OF SYDNEY 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 within the State of New South Wales and by the Church

of England Trust Property Act 1917 and of all other powers hereunto enabling it ordains directs and declares as follows:—

1. By reason of circumstances which have occurred since the creation of the trusts to which the said remainder of the said lands is now 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 Trust should be empowered to further mortgage in manner hereinafter mentioned so much of the said remainder of St. Philip's Glebe Lands now vested in it as in its opinion would be required to secure the repayment of sufficient moneys to repay to The Home Mission Society the sums hereinafter mentioned and interest thereon.

2. The said remainder or such portion thereof as aforesaid of St. Philip's Glebe Lands now vested in the Corporate Trust may from time to time be further mortgaged to raise and secure the repayment of sufficient moneys to pay the amounts so recommended to be paid to Mrs. Yeates as aforesaid down to the thirty-first day of July one thousand nine hundred and thirty-one together with interest on such moneys and all costs charges and expenses of and incidental to raising such moneys and this Ordinance.

3. The money so borrowed as aforesaid shall be applied by the Corporate Trust in repaying to The Home Mission Society such sums as The Home Mission Society shall have paid or shall from time to time pay to the said Mrs. Yeates at the request of the Standing Committee with the approval of the Archbishop together with interest thereon and all costs incurred in connection therewith.

4. The net rents issues and profits arising from the remainder of the said Glebe lands now vested in the Corporate Trust after paying and satisfying all endowments payable thereout shall on and after the thirty-first day of July one thousand nine hundred and thirty-one be applied as follows:—

- (a) In paying the stipend of the Bishop Coadjutor under the Bishop Coadjutor Stipend Ordinance of 1925.
- (b) In paying the stipend of the Diocesan Missioner or Missioners under the Diocesan Missioner's Stipend Ordinance of 1927.

- (c) In paying the cost of the said repairs and additions to Bishopscourt.
- (d) In repaying to The Home Mission Society such sums as The Home Mission Society shall thereafter pay to Mrs. Yeates as aforesaid.
- (e) In paying off 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.

5. This Ordinance may be cited as the "St. John's Ashfield Repayment Ordinance 1929."

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

GERARD D'ARCY-IRVINE,

Bishop Coadjutor,

Acting Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this third day of October, 1929.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

11th October, 1929.