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AN ORDINANCE to consent to St. James' Glebe being vested in the Church of England Property Trust Diocese of Sydney and to regulate the government control and administration thereof and to further regulate the government control and administration of St. Philip's Glebe and for other purposes incidental thereto.

WHEREAS by Crown Grant dated the third day of September one thousand eight hundred and forty-two the Governor of New South Wales granted to the Right Reverend William Grant Broughton Bishop of Australia or the Bishop of Australia for the time being Alexander McLeay Richard Jones William Macpherson, and John Lamb forty acres of land consisting of two parcels the one of twenty-nine acres and the other of eleven acres as therein described 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. James' in conformity with the provisions of the Acts of Parliament therein mentioned so far as the same might apply to the Trusts of the Grant and for no other purpose. AND WHEREAS in or about the year one thousand eight hundred and fifty-eight the said Governor of New South Wales granted to the Trustees of the said Glebe for the time being a further parcel of land measuring about three roods five perches on the southern side of Old South Head Road and adjoining the said eleven acres of land in lieu of land appropriated for a School House for St. Mark's Double Bay advertised in the Government Notice dated the twelfth day of October one thousand eight hundred and fifty-eight and the Trustees for the time being of St. James' Glebe at about the same time granted to the Trustees of St. Mark's a parcel of about three roods five perches a parcel of the said twenty-nine acres being the land appropriated as aforesaid for a School House for St. Mark's and being the land known as Lot 8 of the said twenty-nine acres. AND WHEREAS since the grant and exchange of the land lastly mentioned the said parcel of three roods five perches of land fronting the Old South Head Road has always been and is now held by the Trustees

of St. James' Glebe upon the trusts of the said Crown Grant of one thousand eight hundred and forty-two and relevant Statutes. AND WHEREAS the Right Reverend John Charles Wright Archbishop of Sydney the Reverend Philip Arthur Micklem D.D. the Venerable Archdeacon Francis Bertie Boyce Dr. Cyril Ernest Corlette and Thomas Lewthwaite Grainger are the present Trustees of St. James' Glebe. AND WHEREAS Synod is desirous of consenting to the whole of the lands now held as aforesaid by the said Trustees upon trusts of the said Crown Grant of one thousand eight hundred and forty-two and relevant Statutes and which are hereinafter referred to as St. James' Glebe being vested in the Church of England Property Trust Diocese of Sydney hereinafter called the Corporate Trustees. 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 lands hereinafter referred to as St. Philip's Glebe and therein more particularly described were granted to the Right Reverend William Grant Broughton Bishop of Australia or the Bishop of Australia for the time being John Campbell and Francis Mitchell 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 Corporate Trustees and thereafter a certain portion of such last-mentioned Glebe was by St. Philip's Glebe Land Vesting Management Ordinance 1920 vested in a Board of Trustees thereby constituted but the remainder of St. Philip's Glebe continued to be and is now still vested in the Corporate Trustees. AND WHEREAS it is expedient that the government and control of St. James' Glebe and of the said remainder of St. Philip's Glebe should be committed to the Board known as the Sydney Diocesan Board of Finance created by the Church Trust Property Governing and Controlling Ordinance 1921. AND WHEREAS St. James' Glebe is and may be subject to heavy taxes and onerous conditions which may so impair the net income derived therefrom as to render the same insufficient to meet the endowments of the Rector of the said St. James' Church and of the Rector of St. David's Church Surry Hills and consequently it is expedient that the said Board

of Trustees of St. Philip's Glebe should be empowered at their discretion from time to time out of the rents issues and profits arising from the portion of such Glebe which is vested in them as aforesaid to make contributions towards the payment of the whole or any part of such rates and taxes and in relief of such onerous conditions. AND WHEREAS it is deemed expedient and equitable that the present Trustees of St. James' Glebe should be indemnified in manner hereinafter appearing. 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 thereunto enabling it ORDAINS DIRECTS AND DECLARES as follows:—

1. The Synod hereby consents to St. James' Glebe being vested and the same is hereby vested accordingly in the Corporate Trustees to be held by the Corporate Trustees subject to the Trusts to which the same is now subject.

2. St. James' Glebe and the said remainder of St. Philip's Glebe now vested in the Corporate Trustees are hereby committed to the government and control of the said Sydney Diocesan Board of Finance.

3. The said present Trustees of St. James' Glebe are and each of them is hereby indemnified (a) in respect of all breaches of Trust if any in respect of which they or any of them could be charged subject however to their furnishing to the said Board of Finance full and proper accounts of their administration up to the date when this Ordinance shall come into force and (b) in respect of all claims of whatsoever kind to which they or any of them are now or may hereafter be liable and to satisfy which they or any of them would be entitled to be indemnified out of St. James' Glebe.

4. St. Philip's Glebe Land Amending and Supplemental Ordinance 1920 Section 1 is hereby amended by inserting immediately after sub-clause (b) thereof the following sub-clause:—

“(bb) In making grants to the Board of Finance established under the Church Trust Property Governing and Controlling Ordinance 1921 for the purpose of paying all or

any of the rates taxes and other outgoings and in relief of any onerous conditions to which St. James' Glebe is or may be subject and in satisfying any claims in respect of which the present Trustees of St. James' Glebe are entitled to be indemnified and the costs of and incidental to the recent Petition to the Chief Judge in Equity with reference to the said Glebe and of and incidental to this Ordinance and if necessary in making up to the full amount the Endowment of One hundred and fifty pounds (£150) to St. James' and One hundred pounds (£100) to St. David's respectively."

5. The Corporate Trustees shall hold the net rents and profits arising from St. James' Glebe after satisfying thereout from time to time the amounts which are the amounts permanently charged thereon by virtue of the original Trust of the said Glebe and the Church Act Repealing Act of 1897 or otherwise upon trust to apply the same as the Synod shall from time to time determine.

6. This Ordinance may be cited as "The St. James' Glebe Vesting and Management Ordinance 1926."

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

GERARD D'ARCY-IRVINE,  
Acting Chairman of Committees.

We certify that this Ordinance was passed this twenty-sixth day of August, 1926.

W. A. CHARLTON } Secretaries of  
F. A. BLAND. } the Synod.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

31st August, 1926.