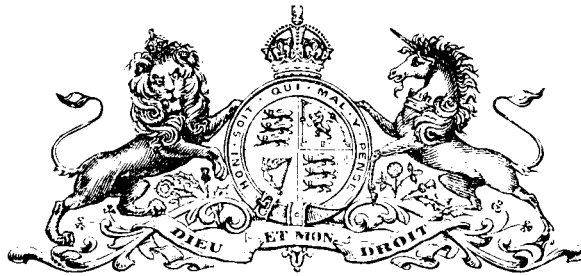


# New South Wales.



ANNO QUINTO

## EDWARDI VII REGIS.

\*\*\*\*\*

An Act to provide for the disposal of certain revenues appertaining to the Church of England in the Diocese of Sydney. [27th July, 1905.]

SYDNEY DIOCESAN  
REVENUES.

**W**HEREAS by an indenture dated the second day of January, one thousand eight hundred and thirty-nine, and made between Thomas Moore, of the one part, and the Right Reverend William Grant Broughton, Doctor of Divinity, Lord Bishop of Australia, of the other part, certain lands, being part of the lands known as Moorebank Estate, and more particularly described in the said indenture, were vested in the said William Grant Broughton, Bishop of Australia, and his successors, such Bishops of Australia, upon trust, among other things, for the maintenance and support of the said Bishop of Australia and his successors: And whereas by deed of grant from the Crown, dated the ninth day of July, one thousand eight hundred and forty-six, certain other lands, situate in the county of Cumberland and the parish

Preamble.

parish

---

*Sydney Diocesan Revenues.*

---

parish of Petersham, and now known as the Bishopthorpe Estate, were vested in the said Bishop of Australia and his successors upon trust, subject to the provisions of the said deed, for the maintenance of the said Bishop of Australia and his successors: And whereas the said lands hereinbefore mentioned (with the exception of portions thereof which have since been sold), together with certain moneys derived from the sale of such portions, are now held in trust for the maintenance and support of the Bishop of Sydney and his successors: And whereas by deed of grant from the Crown, dated the eighth day of January, one thousand eight hundred and sixty-six, certain other lands, situate in the county of Cumberland and parish of Alexandria, and therein more particularly described, were granted to the Bishop of Sydney and his successors upon trust for the appropriation thereof as the site of an episcopal residence for the Bishop of Sydney and his successors, the said lands to be enjoyed as the site for the episcopal residence, and for gardens, pleasure-grounds, and pasture lands in connection with the said episcopal residence of the Bishop of Sydney for the time being: And whereas parts of the said last-mentioned lands have been sold under the powers contained in the "Bishopscourt Sale and Leasing Act, 1886," and the residue containing the present episcopal residence of "Bishopscourt" is now vested in the "Church of England Property Trust, Diocese of Sydney," upon the trusts of the said Crown grant, but subject to a mortgage to the trustees of the "Church Centennial Fund," effected under and by virtue of a certain ordinance of the Synod of the Diocese of Sydney, and styled the "Bishopscourt Estate Mortgage Ordinance of 1894," upon the security of which mortgage there now remains unpaid a principal sum of three thousand nine hundred pounds together with certain interest: And whereas, by an ordinance passed by the Synod of the Diocese of Sydney in the year one thousand eight hundred and eighty-five, and intituled "An Ordinance for the administration of the See of Sydney during a vacancy of the See," the trustees of the Church of England Property Trust Diocese of Sydney were constituted the guardians of the temporalities of the See during such vacancy, and certain provisions were made for the application during a vacancy of the See of moneys which would have been payable to the Bishop of the Diocese for the time being for his own use: And whereas the moneys affected by the said ordinance consist in part of income derived from the trusts of the estates aforesaid: And whereas doubts have arisen as to the extent of the powers of the said Synod to pass ordinances respecting the application of income derived from either of the said trusts: And whereas it is expedient that the said Synod should have power to pass ordinances regulating the application of portions of the said income under the circumstances and subject to the conditions hereinafter expressed: And whereas it is also expedient to make statutory provision for the guardianship

*Sydney Diocesan Revenues.*

guardianship of the temporalities of the said See during vacancy, and to confirm and ratify the ordinance aforesaid, and all appropriations of income heretofore made thereunder: And whereas it is also expedient that the said Synod should have power to pass ordinances fixing the amount to be paid to future Bishops of the said Diocese as stipend, and making provision for the application of any income derived from the trusts aforesaid during the occupancy of the said See by any future Bishop in excess of what may be required for the purpose of providing the said stipend: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. During any vacancy of the See of Sydney the "Church of England Property Trust Diocese of Sydney," incorporated under the provisions of the "Church of England Trust Property Incorporation Act, 1881," hereinafter termed "the said trustees," shall be guardian of the temporalities of the said See, and shall be entitled to receive and hold in trust, and, subject to the provisions of this Act, to apply all income accruing from any source during such vacancy which if the said See had not been vacant would but for this Act have been payable to the Bishop thereof for the time being for his own use: Provided that it shall be lawful for the said trustees in the first instance to defray out of the said income the costs, charges, and expenses incidental to the passing of this Act.

Guardian of temporalities.

Revenues of See during vacancy.

2. Subject to the provisions of this Act, and notwithstanding anything contained in any of the trusts hereinbefore mentioned, all such income as aforesaid accruing during such vacancy, and received as aforesaid by the said trustees, shall be applied by them in accordance with the directions hereinafter contained.

How such revenues to be applied.

3. The objects towards which such income may be applied shall be any one or more of the following, that is to say—

Objects of application of revenues.

- (a) The payment of rates and taxes on any land so held in trust as aforesaid.
- (b) The discharge of any liability affecting the revenues of the See during the vacancy thereof.
- (c) The repair, renovation, or improvement of the episcopal residence of the Bishop of the said See, at Randwick, known as Bishopscourt, including repair or renewal of fences appurtenant thereto.
- (d) The payment of a stipend or salary to the administrator of the Diocese during the period of vacancy at such rate as may be provided by any ordinance passed as hereinafter provided.
- (e) The defraying of expenses incurred in the discharge of episcopal functions within the Diocese during the vacancy of the See.

*Sydney Diocesan Revenues.*

- (f) The defraying of expenses incurred in filling up the vacancy of the Sec.
- (g) The payment of a sum not exceeding one thousand pounds to the incoming Bishop for his own use.
- (h) The discharge of the said encumbrance now existing on the said episcopal residence at Bishopscourt.
- (i) The assistance of such Diocesan fund or undertaking now existing or hereafter to be established as may be directed by any ordinance passed by the Synod of the Diocese of Sydney as hereinafter provided or determined in manner provided by any such ordinance :

Proviso.

Provided always that the whole of the said income not applied to one or other of the aforesaid objects (a) to (f) shall, unless it exceeds one thousand pounds, be applied to object (g), but if it exceeds one thousand pounds the excess over and above the said sum of one thousand pounds shall be applied towards object (h) until the said encumbrance is discharged and satisfied, and that only after the said encumbrance is discharged and satisfied shall any application of such income be made towards object (i).

Power to pass ordinances.

4. It shall be lawful for the Synod of the Diocese of Sydney, by ordinance to be passed in the manner provided by the Church of England Constitutions Act Amendment Act of 1902, or any Act amending or repealing the same, to regulate the mode of application of the said income by the said trustees, subject to the provisions of section three of this Act : Provided that in the absence of any such ordinance, or in matters not provided for by any such ordinance, the said trustees shall, except as to object (i) in the said section mentioned, have full discretionary power to apply the said income subject to the said provisions.

Validation of ordinance.

5. The ordinance passed by the Synod of the Diocese of Sydney in the year one thousand eight hundred and eighty-five, intituled "An Ordinance for the administration of the See of Sydney during the vacancy of the Sec," shall be deemed to have been a valid ordinance for the purposes therein expressed, and all payments made in accordance therewith out of income accrued during a vacancy of the said See prior to the commencement of this Act shall be deemed to have been lawfully made.

Revenues during occupancy of Sec.

6. It shall be lawful for the said Synod by Ordinance passed as aforesaid to fix from time to time the amount of the stipend to be paid to the Bishop of the said Diocese, free of all rates and taxes, and of the cost of repairing, renovating, or improving the episcopal residence for the time being of the Bishop of the said Sec, and of repairing or renewing fences appurtenant thereto, and to make provision for the application of any income derived from either of the said estates during the occupancy of the said Sec, and not required for the purpose of paying

## Act, 1905.

5

---

### *Bank of New South Wales.*

---

paying the said stipend or the said rates and taxes, or the cost of such repair, renovation, renewal, or improvement as aforesaid, towards the discharge of the said mortgage on the said episcopal residence at Bishopscourt; and after such discharge shall have been effected or fully provided for towards such diocesan fund or undertaking now existing or hereafter to be established as may be directed by any such ordinance, or determined in manner provided thereby: Provided that no such ordinance shall apply to the present Bishop, or shall reduce the stipend payable to any future Bishop after his acceptance of office.

7. The provisions of this Act relating to the income derived from any land shall apply to the income derived from the investment of the proceeds of such land when sold under any authority enabling such sale to be effected, and whether such sale shall have been effected before or after the commencement of this Act. Act to apply to proceeds of land sold.

8. This Act may be cited as the "Sydney Diocesan Revenues Act of 1905." Short title.

---