

St. Catherine's Clergy Daughters' School.

511911

AN ORDINANCE to vary the trusts declared in and by a certain Deed Poll or Declaration of Trust bearing date the 10th day of March 1877 relating to certain moneys subscribed for the endowment of St. Catherine's Clergy Daughters' School and to provide for the admission of Non-Foundations to the benefits of the said School.

WHEREAS in order to provide the site of an Institution to be placed under the management of the Bishop of Sydney for the time being for the education of daughters of duly licensed clergymen of the United Church of England and Ireland as then by law established officiating or having officiated in the Diocese of Sydney in the Colony of New South Wales a piece of land containing Three acres two roods and three perches situate at Waverley near Sydney was by Deed Poll or Grant from the Crown dated the 15th day of September 1857 Recorded in the General Registry at Sydney in Register of Special Grants 'No. 3' at pages 216 to 219 granted unto the then Bishop of Sydney and his successors Upon trust that the said piece of land should at all times thereafter be set apart maintained and used by the said Bishop of Sydney and his successors as and for a site for the said Institution and for no other purpose whatsoever. AND WHEREAS some time after the issue of the said Deed Poll or Crown Grant there was erected upon the said piece or parcel of land a School House with Principal's residence and certain Dormitories Class-rooms and Teachers' accommodation which were then and are now known as "St. Catherine's Clergy Daughters' School." AND WHEREAS in or prior to the year 1877 and with the consent of the then Bishop of Sydney there was raised by subscription the sum of £5245 for the purpose of completing the endowment of the said School. AND WHEREAS by Deed Poll or Declaration of Trust bearing date the tenth day of March 1877 under their respective hands and seals the Right Reverend Frederic Barker Metropolitan Bishop of Australia, the Very Reverend William Macquarie Cowper, the Reverend Stanley Mitchell, Edward Knox and Thomas Buckland (therein called Trustees) after reciting that the Trustees were seized and possessed of the said sum of £5245 which was then invested in

St. Catherine's Clergy Daughters' School.

their names and which said sum of £5245 was known and held by the Trustees as "The Endowment Fund of St. Catherine's Clergy Daughters' School" thereby declared that they held and were possessed of the said sum of £5245 then invested as aforesaid upon the trusts and for the ends intents and purposes and in manner hereinafter mentioned. And it was thereby declared and agreed by and between the said Trustees that they the said Trustees their executors administrators and assigns should and would thenceforth stand and be possessed of and interested in the said sum of £5245 as aforesaid Upon the trusts and to and for the ends intents and purposes following that was to say Upon trust to lay out and invest the same at interest from time to time in their names or in the names or name of the survivors or survivor of them or of the Trustees or Trustee for the time being of the said Fund upon Government securities or real securities in the then Colony of New South Wales or by deposit at interest in one of the Public Banks of the then Colony with power at their or his own discretion to alter and vary the same investments and securities from time to time for others of a like nature as occasion should from time to time require And should and would be possessed of the said trust moneys so to be invested and the securities upon which the same should from time to time be invested and the interest and annual produce thereof Upon trust to pay over the said annual interest or annual income thereof into the proper hands of the Treasurer for the time being of the said St. Catherine's Clergy Daughters' School for the use and benefit of the said School and the receipt and receipts of the Treasurer for the time being of the said Institution should be a good and sufficient discharge for the moneys in such receipt or receipts acknowledged to be received. And it was further declared and agreed that the Trustees or the survivors or survivor of them or the Trustees or Trustee for the time being should and might at their own discretion lay out and invest all or any part of the said trust moneys and securities or the proceeds arising from the sale of any securities in the purchase of lands and hereditaments in New South Wales held in fee simple and should and might at their and his discretion and of their and his own authority from time to time or at any time convert such lands and hereditaments into money by a sale or sales thereof and should stand and be possessed of the money arising from such sale or sales upon the same or the like trusts as were therein-before declared of the moneys which should have been invested

St. Catherine's Clergy Daughters' School.

in the purchase of the land and hereditaments for the time being sold and should and might from time to time until such sale make such leases of the said lands and hereditaments as therein mentioned and should in the meantime and until such sale apply the rents and income of the said lands and hereditaments which should have been so purchased in the same manner and for the same benefit as the interest of the moneys to be invested in such purchase as aforesaid would have been applied in case the same purchases had not been made. And it was thereby declared and agreed that in the event of any of the then present or future Trustees dying or refusing or declining or becoming incapable to act in the trusts aforesaid then and in that case it should be lawful for the continuing Trustees or Trustee or the executors or administrators of the last continuing Trustee to nominate and appoint any other Trustee or Trustees in the place or stead of the Trustee or Trustees so dying or refusing or declining or becoming incapable to act and upon the appointment of such new Trustee or Trustees the said trust moneys securities for money lands hereditaments and premises should be duly assigned transferred to and assured or otherwise vested in such new Trustee or Trustees either jointly with the continuing Trustees or Trustee or separately in such new Trustees or Trustee as occasion might require Upon the trusts thereinbefore declared and that every new Trustee should have the same powers and authorities as the Trustee or Trustees in whose place he or they should be appointed. AND WHEREAS since the execution of the hereinbefore in part recited Deed Poll or Declaration of Trust the amount of the said Endowment Fund has been increased to the sum of £6427. AND WHEREAS the present acting and continuing Trustees of the said Endowment Fund are Edward Richard Deas-Thomson, Wilfrid Law Docker and John Russell French. AND WHEREAS in or about the year 1885 the then Trustees of the said Endowment Fund made certain advances thereout for the purpose of liquidating a debt previously incurred in making permanent improvements and additions to the School House and buildings. AND WHEREAS a portion of the amount so advanced as aforesaid has been repaid out of the income derived from time to time from the said Institution but there is still a balance of £1025 owing to the Trustees of the said Endowment Fund in respect of the said advance. AND WHEREAS it is expedient to add to and further improve the said School House and buildings and to effect additions and repairs thereto and render

St. Catherine's Clergy Daughters' School

the same sanitary and it is also expedient to authorise the Trustees of the Endowment Fund to apply out of such Fund any further sums not exceeding £1975 in addition to the balance of £1025 now owing as aforesaid making £3000 in all in and towards such further improvements additions and repairs as aforesaid. AND WHEREAS it has become inexpedient to observe in their entirety the particular purposes to which the Endowment Fund was by the hereinbefore in part recited Deed Poll or Declaration of Trust expressed to be devoted or to exclude Non-Foundations. NOW THEREFORE 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 of all powers vested in the said Synod by the "Church of England Property Act of 1889" ORDAINS DECLARES DIRECTS AND RULES as follows:—

INTERPRETATION.

1. In the interpretation of this Ordinance unless inconsistent with the subject or context:—

"THE TRUSTEE" means the Archbishop of Sydney for the time being.

"THE DECLARATION OF TRUST" means the Deed Poll dated the 10th day of March 1877.

"THE ENDOWMENT TRUSTEES" means the said Edward Richard Deas-Thomson Wilfrid Law Docker and John Russell French and their successors or other the Trustees or Trustee for the time being under the Declaration of Trust.

"ENDOWMENT FUND" means the said sum of £6427 and every other amount for the time being subject to the trusts of The Declaration of Trust as expressed or modified by this Ordinance and all real and personal property by which the said respective sums or any part thereof may for the time being be represented.

"FOUNDATIONS" means the daughters of clergymen coming within the terms of the Grant.

2. By reason of circumstances which have occurred since the creation of the trusts declared by the Declaration of Trust it has become inexpedient to observe in their entirety the particular

St. Catherine's Clergy Daughters' School.

purposes to which The Endowment Fund was by the trusts declared in The Declaration of Trust expressed to be devoted or to exclude Non-Foundations.

3. The Endowment Trustees are hereby authorised in addition to the said sum of £1025 being the balance still owing in respect of advances already made by The Endowment Trustees for the purpose of liquidating a debt previously incurred in making permanent improvements and additions to the said School House and buildings to apply a further portion of The Endowment Fund but not exceeding in all the further sum of £1975 towards the cost of improvements additions and repairs to the said School House and buildings including the payment of Architects' fees and other necessary charges and the expenses of and incidental to this Ordinance.

4. The application of the said respective advances of £1025 and £1975 respectively out of the Endowment Fund up to in all the aggregate sum of £3000 shall be substituted so far as such application extends for the investments in The Declaration of Trust expressed and shall be deemed to be authorised investments on the part of The Endowment Trustees with respect to the Endowment Fund and The Declaration of Trust shall be deemed to be modified accordingly.

5. The Endowment Trustees shall out of the income of such part of the Endowment Fund remaining after making or setting aside a sum for the purpose of providing for the payments referred to in clauses 3 and 4 above mentioned form or cause to be formed a Sinking Fund by setting aside out of the said Income the yearly sum of £100 and The Endowment Trustees shall invest the yearly sums so set aside in any other investments authorised by The Declaration of Trust.

6. The capital and income of the aforesaid Sinking Fund shall be applied by The Endowment Trustees in recouping to the Endowment Fund the advances and appropriations authorised by clauses 3 and 4 hereof to be made thereout.

7. The Trustee may from time to time authorise the introduction of Non-Foundations as scholars provided the School has accommodation for them over and above the accommodation necessary for Foundations and that the scale of charges therefor is at a rate to be determined by the Trustee.

St. Catherine's Clergy Daughters' School.

8. This Ordinance shall be styled and cited as the "St. Catherine's Clergy Daughters' School Endowment Ordinance of 1911."

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

EDW. H. ROGERS,

Chairman of Committees.

We certify that this Ordinance was passed this third day of October, 1911.

E. CLAYDON | *Secretaries of*
W. R. BEAVER | *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

9th October, 1911.