

NO. 21 1977

AN ORDINANCE to vest certain property and to vary the trusts on which certain property is held.

WHEREAS

A. The moneys specified in part 1 of the schedules and the investments representing the same are believed to be church trust property held upon a trust for the Church of England in Australia in the Diocese of Sydney.

B. The moneys specified in part 2 of the schedules are believed to be income from the moneys described in part 1 of the schedule which has not been distributed.

C. The name attributed to the trust on which moneys described in part 1 and part 2 of a schedule is held is that mentioned in part 3 of the schedule.

D. The particular trust on which the moneys specified in part 1 and part 2 of a schedule is held (where known) is believed to be the trust described in part 4 of the schedule.

E. The trustee of some of the moneys specified in the schedule (and any investments representing the same) is the Archbishop of Sydney but in other instances the trustee is not known.

F. It is expedient that certain of the moneys specified in the schedules (and the investments representing the same) be vested in Church of England Property Trust Diocese of Sydney.

G. By reason of circumstances which have arisen subsequent to the creation of the trusts on which moneys specified in part 1 and part 2 of the schedules (and any investments representing the same) are held it is impossible or inexpedient to carry out the same NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. The moneys specified in part 1 and part 2 of the third, fourth, fifth and seventh schedules (and any investments representing the same) are hereby vested in Church of England Property Trust Diocese of Sydney.

2. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the moneys specified in part 1 and part 2 of the schedules (and any investments representing the same) are held it is impossible or inexpedient to carry out the same to the extent that



the same, are hereby varied.

(2) The moneys specified in part 1 and part 2 of each of the first, second, sixth and eight to nineteenth schedules inclusive (and any investments representing the same or the proceeds from the realisation of any such investments) shall be held upon trust to permit the same to be paid (or transferred) to the person described in part 5 of that schedule and to be held or applied for the purpose described or referred to in part 6 of that schedule.

(3) The moneys specified in part 1 and part 2 of the third, fourth and fifth schedules (and any investments representing the same) shall be amalgamated and the annual income therefrom applied as follows:-

As to fifteen per centum (15%) thereof the same shall be capitalised; as to ten per centum (10%) thereof the same shall be paid to the Wollongong Diocese Endowment Fund; as to twenty five per centum (25%) thereof to the Rector for the time being of the Parish of St. Simon and St. Jude, Bowral and as to the balance to the churchwardens, from time to time, of the church known as St. Simon and St. Jude Bowral to be applied towards the cost of maintenance and restoration of the Church, Church Halls and Rectory in the Parish of Bowral and of the furniture and furnishings contained therein.

(4) The moneys specified in part 1 and part 2 of the seventh schedule shall be held upon the trust set forth in part 6 of that schedule.

(5) All income from the moneys specified in all of the schedules (or any investments representing the same) shall be deemed to have been held upon a trust which permitted such income to be applied in the manner in which the same has been actually applied.

(6) Any income from the moneys specified in any of the schedules (or any investments representing the same) prior to the same being dealt with in the manner provided in this ordinance shall be dealt with as if the same is part of those moneys.

3. This ordinance may be cited as "Sydney Diocesan Account Ordinance 1977".

FIRST SCHEDULE

- Part 1 - \$ 2,070.36
- Part 2 - \$ 5,887.69
- Part 3 - Estate of the Late Henry William ABBOTT
- Part 4 - "I bequeath One thousand pounds (£1,000) free of any probate or legacy duty to the said Church of England Bishop of Sydney in office at my death or if the office be then vacant to the next appointed Bishop upon trust to invest the same as he may think fit and to apply the income of such investment to the maintenance and education of a student for Holy Orders for the Church of England such student to be called the holder or scholar of the 'Henry William Abbott Scholarship'. I leave the conditions and stipulations of such scholarship entirely to the discretion of the Bishop of Sydney for the time being with power to him or any successor to alter the same but it is my wish without fettering such discretion in any way that the scholarship should at first at all events be open for competition only to such students of St. Paul's College within the University of Sydney as shall be preparing for such Holy Orders".
- Part 5 - The trustees, for the time being, of the estate of Thomas Moore.
- Part 6 - As to \$5,000 thereof - to be held upon the trusts set forth in part 4.  
As to the balance - to be dealt with as income from the said \$5,000.

SECOND SCHEDULE

- Part 1 - Nil
- Part 2 - \$ 2,054.86
- Part 3 - Estate of the Late George ATHERDEN
- Part 4 - "for the purpose of keeping in order George Atherden's tomb at Necropolis No.295."
- Part 5 - The trustees, for the time being, of the Church of England Cemetery at Rookwood.
- Part 6 - For the maintenance of the said tomb.

THIRD SCHEDULE

- Part 1 - \$ 3,870.00
- Part 2 - Nil
- Part 3 - St. Simon's Bowral Church School.
- Part 4 - Upon one or other of the trusts set forth in the St. Simon and St. Jude Bowral Sale Ordinance of 1920 (as amended).

FOURTH SCHEDULE

- Part 1 - \$ 3,130.00
- Part 2 - Nil
- Part 3 - St. Simon and St. Jude Rectory Account
- Part 4 - Upon one or other of the trusts set forth in the St. Simon and St. Jude Bowral Sale Ordinance of 1920 (as amended).

FIFTH SCHEDULE

- Part 1 - \$ 8,550.00
- Part 2 - Nil
- Part 3 - St. Simon and St. Jude Bowral
- Part 4 - Upon one or other of the trusts set forth in the St. Simon and St. Jude Bowral Sale Ordinance of 1920 (as amended).

SIXTH SCHEDULE

- Part 1 - \$ 1,000.00
- Part 2 - \$ 141.22
- Part 3 - St. John's Camden - R.S. Macarthur-Onslow Bequest
- Part 4 - "To the Trustees of St. John's Church of England Camden the sum of Five hundred pounds (£500) Upon Trust to invest the same in the manner hereinafter provided and to use and employ the income arising therefrom in maintaining and keeping in repair and good order the Memorial Lych-Gate erected to the memory of my mother at St. John's Church of England Camden and/or the War Memorial in the grounds of St. James' Church Menangle and towards the maintenance and repair of the windows in those Churches erected to the memory of my Grandfather James Macarthur and my father Arthur Alexander Walton Onslow and my mother Elizabeth Macarthur-Onslow and to use any balance of such income arising in any year for such other purpose connected with the upkeep and repair of those Churches as the Trustees of St. John's Church aforesaid shall think proper".
- Part 5 - The churchwardens, for the time being, of the church known as St. John's Camden
- Part 6 - For all or any of the purposes described in part 4.

SEVENTH SCHEDULE

- Part 1 - \$ 4,128.82
- Part 2 - \$ 131.63
- Part 3 - Parish of Canterbury - Campbell Endowment Fund
- Part 4 - Upon a trust for the Parish of Canterbury
- Part 5 - -
- Part 6 - Upon trust for the Parish of Canterbury and to pay the income therefrom to the person who, from time to time, is licenced to that cure of souls for such purposes *as he may consider fit.*

*in connection with that parish* *ML*

EIGHTH SCHEDULE

- Part 1 - \$ 1,000.00
- Part 2 - \$ 681.15
- Part 3 - Church of England Building Project
- Part 4 - Not known
- Part 5 - ~~The trustees, for the time being, of the fund known as The St. Andrew's Cathedral Restoration Fund.~~ *Sydney Church of England New Areas Committee*
- Part 6 - For the purposes of that fund.

NINTH SCHEDULE

- Part 1 - \$ 8,503.52
- Part 2 - \$ 7,673.81
- Part 3 - Darlinghurst Kemp Devise
- Part 4 - "for the sustentation of the clergy in the Diocese of Sydney aforesaid of the United Church of England and Ireland or such other branch of the Church of Christ as shall for the time being constitute the Protestant Episcopal Church in the said colony".
- Part 5 - The trustees, for the time being, of the estate of Thomas Moore.
- Part 6 - As to \$16,000 thereof - to be held upon the same trusts as the part of the estate of Thomas Moore known as the clergy portion is held, and to be amalgamated with that part.  
As to the balance - to be dealt with as income from that part.

TENTH SCHEDULE

- Part 1 - \$ 100.00
- Part 2 - \$ 2.62
- Part 3 - Parish of St. John Gordon - Estate of the Late Julia Richardson
- Part 4 - " For the upkeep of the graves of the late husband and father of Julia Richardson in the St. John's Gordon Cemetery".
- Part 5 - The churchwardens, for the time being, of St. John's Church at Gordon
- Part 6 - For the maintenance of the said graves.

*ML*

ELEVENTH SCHEDULE

- Part 1 - \$ 515.91
- Part 2 - \$ 24.77
- Part 3 - Church of the Holy Redeemer Helensburgh-McAllister Estate
- Part 4 - For the general purposes of the Church of the Holy Redeemer Helensburgh.
- Part 5 - The churchwardens, for the time being, of the said church.
- Part 6 - For such purposes in connection with the said church as the said churchwardens consider fit.

TWELFTH SCHEDULE

- Part 1 - \$ 1,000.00
- Part 2 - \$ 711.00
- Part 3 - Estate of the Late Michael Mallick
- Part 4 - Not known.
- Part 5 - The trustees, for the time being, of the fund known as The St. Andrew's Cathedral Restoration Fund.
- Part 6 - For the purposes of that fund.

THIRTEENTH SCHEDULE

- Part 1 - \$ 2,044.66
- Part 2 - \$ 177.00
- Part 3 - Parish of St. John Parramatta-Campbell Endowment Fund
- Part 4 - "...for the benefit of the incumbent for the time being of the said church so long as he shall keep or cause to be kept in order the family vault of my father mother and brother Robert..."
- Part 5 - The churchwardens, for the time being, of the church known as St. John's Parramatta.
- Part 6 - For the purposes described in part 4.

FOURTEENTH SCHEDULE

- Part 1 - \$ 1,256.18
- Part 2 - \$ 50.87
- Part 3 - Parish of All Saints/<sup>North</sup>Parramatta North *ml*
- Part 4 - Not known.
- Part 5 - The churchwardens, for the time being, of the church known as All Saints/<sup>North</sup>Parramatta North. *ml*
- Part 6 - For such purposes within the Parish of/<sup>North</sup>Parramatta North as the Parish Council thereof considers fit. *ml*

FIFTEENTH SCHEDULE

- Part 1 - \$ 411.89
- Part 2 - \$ 20.56
- Part 3 - St. Saviour's Punchbowl Gibson Settlement No.1 Account
- Part 4 - For the keeping in order the Gibson vault and the Punchbowl Cemetery and the balance of any income to be retained by the rector.
- Part 5 - The churchwardens, for the time being, of the church known as St. Saviour's Punchbowl.
- Part 6 - For the purposes described in part 4.

SIXTEENTH SCHEDULE

- Part 1 - \$ 600.00
- Part 2 - \$ 29.82
- Part 3 - St. Saviour's Punchbowl Gibson Settlement No. 2 Account
- Part 4 - For the keeping in order the Gibson vault and the Punchbowl Cemetery and the balance of any income to be retained by the rector.
- Part 5 - The churchwardens, for the time being, of the church known as St. Saviour's Punchbowl.
- Part 6 - For the purposes described in part 4. *ml*

SEVENTEENTH SCHEDULE

- Part 1 - \$ 101.02
- Part 2 - \$ 5.12
- Part 3 - St. Jude's Randwick Mosman Vault Account
- Part 4 - For keeping in order the Mosman Vault in St. Jude's Randwick Cemetery.
- Part 5 - The churchwardens, for the time being, of the church known as St. Jude's Church at Randwick.
- Part 6 - For the purposes described in part 4.

EIGHTEENTH SCHEDULE

- Part 1 - \$ 586.46
- Part 2 - \$ 502.92
- Part 3 - Scott Legacy-White's Vault Waverley Cemetery
- Part 4 - To be applied to keep in order the White Vault at Waverley cemetery and any remainder to be applied by the Archbishop of Sydney to whatever charitable purposes he thinks fit.
- Part 5 - The trustees, for the time being, of the Waverley cemetery.
- Part 6 - To be applied to keep in order the White vault at Waverley cemetery and any balance in maintaining the rest of the cemetery.

NINETEENTH SCHEDULE

- Part 1 - \$ 895.74
- Part 2 - \$ 134.37
- Part 3 - St. Paul's Redfern-Estate Late James FARR
- Part 4 - "...to pay the income arising therefrom to the Incumbent for the time being of the Church in which the Tablet aforesaid may be placed to be applied by such Incumbent in the first place towards keeping in good repair and condition the said Tablet and then to distribute the surplus every Christmas Day among such of the sick poor inhabitants of his Parish not being less than six in number as such Incumbent and the Churchwardens of his Parish shall select but in case the trusts upon which the last mentioned sum of Four hundred pounds (£400) is bequeathed cannot be carried out in their entirety THEN I DIRECT the Archbishop aforesaid to hand the said sum of Four Hundred pounds (£400) to the Sydney Hospital as a permanent endowment".
- Part 5 - The trustees or other arm of the Sydney Hospital.
- Part 6 - For the purposes of that Hospital.

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

*Q. Cameron*  
 .....  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Diocese of Sydney on the 27<sup>th</sup> day of June 1977.

*[Signature]*  
 .....  
Secretary

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I ASSENT to this Ordinance.

*A. L. Lowe*  
.....  
Archbishop of Sydney  
27/6/1977.