

CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY
(SUNDRY ACCOUNTS) ORDINANCE 1978

No. 51 1978

AN ORDINANCE to vary the trusts on which certain property is held, to provide for the management and use of certain property and to provide for the amalgamation of certain trusts.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the trustee of all of the amounts (or the investments representing the same) specified in part one of the schedules to this ordinance.

B. Each amount specified in part one of a schedule to this ordinance is held (or is believed to be held) upon the trusts set forth in part two of that schedule.

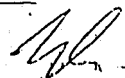
C. The income from each amount specified in part one of a schedule to this ordinance (or from the investments representing the same) is subject (or is believed to be subject) to the direction (if any) set forth in part three of that schedule.

D. Doubts have arisen as to the trusts on which the amounts (and the investments representing the same) specified in the first, third, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, nineteenth, and twenty second schedules are held.

E. The trusts on which the amounts (and the investments representing the same) specified in the second and twenty third schedules have not been adhered to.

F. By reason of circumstances subsequent to the creation of the trusts on which the amounts (and the investments representing the same) specified in part 1 of the schedules to this ordinance are held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS RULES, DECLARES AND DIRECTS as follows:-



1. By reason of circumstances which have arisen subsequent to the creation of the trusts on which each of the amounts (or the investments representing the same) specified in part one of the schedules to this ordinance are held
 30 it is inexpedient to carry out the same to the extent to which the same are hereby varied.

2. All moneys and other property referred to in part one of a schedule which have been held upon the trusts set forth or referred to in parts two and three
 35 of each schedule and which have been applied in any manner inconsistent with those trusts shall be deemed to have been held upon trusts for the purposes for which the same have been applied.

3. Each of the amounts (and the investments representing the same) specified in part one of the following schedules to this ordinance, namely,

- 40 the first schedule
- the third schedule
- the eighth schedule
- the ninth schedule
- the tenth schedule
- 45 the eleventh schedule
- the thirteenth schedule
- the fourteenth schedule
- the fifteenth schedule
- the nineteenth schedule

50 shall be held upon the trust set forth in the second part of the schedule and the income therefrom shall be applied in accordance with the direction in the third part of the schedule.

4. The direction to accumulate income, contained in the will of the late
 55 Mariam Annette Grant shall not apply on or after the 1st day of January 1978 and the amount specified in part one of the second schedule (and the investments representing the same) shall be held upon trust to permit the same (and the income therefrom) to be dealt with in accordance with the provisions of part 4 of that schedule.

5. The amounts specified in part one of the first, third and fourth schedules
 60 (or the proceeds from the investments which represent the same) shall be paid to the party named in the fourth part of the schedule but on condition that the income therefrom will be applied for the purposes set forth in the fifth part of the schedule.

6. The amount specified in part one of the fifth schedule (and the
 65 investments representing the same) shall be held upon trust to apply the income therefrom in accordance with the trusts set forth in the seventh

schedule of the Endowment of the See Ordinance 1977.

70 7. The amount specified in part one of the sixth and seventh schedules (and the investments representing the same) shall be pooled and held upon the trusts set forth in part two of the sixth schedule.

8. The amount specified in part one of the twelfth schedule (and the investments representing the same) shall be held upon the trust set forth in the second part of that schedule and the income shall be paid to the church-wardens of St. ^{Thomas'} ~~Paul's~~ Church at ^{Narellan} ~~Gobbity~~ for the church purposes in the district of Narellan. 36

75 9. The amount specified in part one of the sixteenth schedule and all income thereon which (whether before or after this ordinance is assented to) has not been distributed by the Corporate Trustee shall be paid to Glebe Administration Board and shall be held upon the same trusts as the residue of the property known as St. James' Glebe is held and shall be deemed to be part thereof.

80 10. That part of the amount specified in part one of the seventeenth schedule which has not been repaid by the Churchwardens of the church building known as St. Mary Magdalene is hereby released and the amount which has been repaid (and any undistributed income therefrom) shall be held upon the trusts set forth in paragraph (b) of Clause 3 of the St. Mary's Rectory Variation of Trusts and Land Sale Ordinance 1973 in relation to the balance referred to in that paragraph.

85 11. The amount specified in part one of the eighteenth schedule shall be applied for such purposes of the Church of England in Australia in the Diocese of Sydney as the Standing Committee may determine.

90 12. That part of the debt described in the twentieth schedule which has not been repaid by the Churchwardens of St. Stephen's Church at Penrith is hereby released and the amount which has been paid (and any undistributed income therefrom) shall be repaid to the Churchwardens of the said church and applied by them for the purposes of the said Parish.

95 13. That part of the debt described in the twenty first schedule which has not been repaid is hereby released.

14. The income from the amount referred to in part one of the twenty second schedule shall be paid to the Churchwardens of St. John's Church at Camden

100 and be applied for the purposes of the Parish of Camden.

15. This ordinance may be cited as "Church of England Property Trust Diocese of Sydney (Sundry Accounts) Ordinance 1977".

FIRST SCHEDULE (CF 4706)

Part 1

\$35,360.

Part 2

For the purposes of
The Sydney Diocesan Education and Book Society.

Part 3

To be paid to the members of the said Society and applied by them for the purposes of the said Society.

Part 4

The party named in part 2 hereto.

Part 5

For the general purposes of the said Society.

SECOND SCHEDULE (CF 4802)

Part 1

\$604,052.02.

Part 2

Upon the trusts set forth in the will of the late Mariam Annette Grant, as varied by the M.A. Grant Estate (Sisters' Endowment) Variation of Trusts Ordinance 1962, namely, to be divided into three equal parts each part to form a separate and distinct endowment, one third to create the But-Har-Gra Endowment Fund, one third to be known as the Mary and Julie Theological Endowment, one third to form the Sisters' Endowment, each such part to be invested by the Archbishop for the time being in conjunction with the Standing Committee for the time being of the Synod of the Diocese of Sydney in such manner and in such investment or investments and the income accumulated until the endowments should each amount to £100,000 when the income from the full amount of each separate endowment should in the case of the But-Har-Gra Endowment be used for the upkeep of But-Har-Gra and its activities, in the case of the Mary and Julie Theological Endowment be used to assist theological students and/or women preparing for social duty on the Mission field of the Episcopal faith who have insufficient means themselves to pay fees and necessary expenses attendant on their studies and, in the case of the Sisters' Endowment to assist widows of Episcopal clergy who have been left with babies or small children, incapable of earning their living, or with crippled children and without adequate means of support and, subject thereto in the discretion of the Archbishop-in-Council, for any one or more of the following purposes, namely:-

- (a) To assist widows of clergymen and/or for their infant children who are in need.
- (b) To assist clergymen and/or their wives and/or their infant children who are ill and/or incapacitated.

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- (c) To aid in educating the children of those clergymen who are deemed to be inadequately remunerated.
- (d) To assist retired clergy.
- (e) To augment the stipends of clergymen who are deemed not to be sufficiently remunerated.

Part 3

The directions noted in part 2 of this schedule.

Part 4

The Corporate Trustee shall divide the said amount (and the investments representing the same) into three separate and equal parts.

One such part shall be known as the But-Har-Gra Endowment Fund and the income thereof shall be applied in accordance with the direction noted in part 2 of this schedule in relation to the income from the Fund but on the assumption that no further income need be accumulated.

One such part shall be known as the Mary and Julie Theological Endowment and the income thereof shall be applied in accordance with the direction noted in part 2 of this schedule in relation to the income from the Fund but on the assumption that no further income need be accumulated.

One such part shall be known as the Sisters' Endowment and the income thereof shall be applied in accordance with the direction noted in part 2 of this schedule in relation to the income from that Fund but on the assumption that no further income need be accumulated.

THIRD SCHEDULE (CF 5178)

Part 1

\$20,000

Part 2

St. Andrew's Cathedral.

Part 3

To be applied at the direction of the Chapter.

Part 4

St. Andrew's Cathedral Chapter.

Part 5

For the general purposes of the said Chapter.

FOURTH SCHEDULE (CF 5629)

Part 1

\$70

Part 2

Sydney Church of England Girls' Grammar School Darlinghurst.

Part 3

For an annual prize to be known as the Grace Johnstone Memorial Prize to be presented year by year to the pupil in the highest form of the Sydney Church of England Grammar School for Girls in Forbes Street Sydney who shall be declared by the Council of such school to be the most proficient in Holy Scripture.

Part 4

S.C.E.G.G.S. Darlinghurst Ltd.

Part 5

As per part 3 hereto.

FIFTH SCHEDULE (CF 5717)

Part 1

\$84.11

Part 2

For the upkeep of Archbishop Wright's monument at South Head Cemetery.

Part 3

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SIXTH SCHEDULE (CF 5872)

Part 1

\$200

Part 2

Upon trust to pay the interest on income arising therefrom annually to the churchwardens of St. Aidan's Church of England Blackheath New South Wales for the general purposes of the Parish of Blackheath as such churchwardens may in their discretion think fit.

Part 3

The direction noted in part 2 of this schedule.

SEVENTH SCHEDULE (CF 5872)

Part 1

\$12,000

Part 2

Upon trust for the Parish of Blackheath.

Part 3

To be paid to the churchwardens.

EIGHTH SCHEDULE (CF 6269)

Part 1

\$4,430.59

Part 2

The Parish of Narellan.

Part 3

To be paid to the rector of the Parish to supplement his stipend.

NINTH SCHEDULE (CF 6277)

Part 1

\$1,000

Part 2

The Parish of Narellan.

Part 3

To be paid to the rector of the Parish to supplement his stipend.

TENTH SCHEDULE (CF 6285)

Part 1

\$135.28

Part 2

The Parish of Narellan.

Part 3

To be paid to the churchwardens of St. Paul's Church at Cobbitty.

ELEVENTH SCHEDULE (CF 6285)

Part 1

\$50

Part 2

The Parish of Narellan.

Part 3

To be paid to the churchwardens of St. Paul's Church at Cobbitty.

TWELFTH SCHEDULE (CF 7405)

Part 1

\$1,241.70

Part 2

The Parish of Narellan.

Part 3

To be paid to the churchwardens of St. Thomas' Church Narellan for church purposes in the district of Narellan as the Corporate Trustee shall think best.

THIRTEENTH SCHEDULE (CF 7413)

Part 1

\$1,240

Part 2

The Parish of Narellan.

Part 3

To be paid to the Parish Council of the Parish of Narellan.

FOURTEENTH SCHEDULE (CF 7966)

Part 1

\$3,971.39

Part 2

The Parish of Richmond.

Part 3

^{TWO} One third to be capitalised and the balance to be paid to the churchwardens of St. Peter's Church at Richmond.

FIFTEENTH SCHEDULE (CF 8416)

Part 1

\$5,338.67

Part 2

Parish of St. Philip Sydney.

Part 3

To be paid to the rector for the time being of the Parish.

SIXTEENTH SCHEDULE (CF 5362)

Part 1

\$1,774.25

Part 2

Upon the trusts on which the property known as St. James' Glebe (and the investments acquired from the realisation of that property) are or have been held.

Part 3

SEVENTEENTH SCHEDULE (CF 8133)

Part 1

The amount payable pursuant to clause 4 of the St. Mary's Land Sale Ordinance Amendment Ordinance 1959.

Part 2

The Parish of St. Marys.

Part 3

To the churchwardens of the church building known as St. Mary Magdalene for general parochial purposes.

EIGHTEENTH SCHEDULE
(CF 3789, 3797, 3818, 3826 & 3834)

Part 1

\$102,772.51

Part 2

The Church of England in Australia in the Diocese of Sydney.

Part 3

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NINETEENTH SCHEDULE (CF 7659)

Part 1

\$1,000.00

Part 2

The Parish of All Saints Parramatta North to support the bellringers.

Part 3

To the churchwardens of All Saints' Church Parramatta North.

TWENTIETH SCHEDULE (CF 7691)

Part 1

The amount payable pursuant to Clause 4 of the St. Stephen's Penrith Sale Ordinance 1950.

Part 2

The Parish of Penrith.

Part 3

To the churchwardens of St. Stephen's Church for the purposes set forth in the said ordinance.

TWENTY FIRST SCHEDULE (CF 8117)

Part 1

The amount payable pursuant to the St. Paul's (Sydney) Land Resumption Ordinance 1911 as amended (\$8,600).

Part 2

The Parish of South Sydney.

Part 3

The churchwardens of St. Saviour's Church at Redfern.

TWENTY SECOND SCHEDULE (CF 6103)

Part 1

The amount held pursuant to the St. John's Camden (Theresa Park) Vesting Variation of Trusts and Land Sale Ordinance 1971 (\$12,142.98).

Part 2

For general parochial purposes in connection with St. Peter's Church at Theresa Park.

Part 3

To the churchwardens of St. Peter's Church.

TWENTY THIRD SCHEDULE (CF 7288)

Part 1

The amount held pursuant to the Provisional District of Hammondville Land Sale Ordinance 1965 (\$21,428.30).

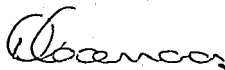
Part 2

As to one-tenth of the income therefrom - to Moore Theological College for the general purposes of such college.

As to nine-tenths of the income therefrom - for the Provisional District of Hammondville or any Provisional Parish or Parish into which it may subsequently be formed.

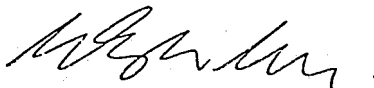
Part 3

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



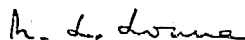
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 11th day of December 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
11/12/1978