

*"The Holy Trinity Church and School Miller's Point
Repair Ordinance of 1938."*

No. 1, 1938.

AN ORDINANCE to vary the trusts declared by the Will of the late George Atherden in respect of a legacy bequeathed under the said Will to the trustees of Holy Trinity Church Miller's Point AND ALSO to vary the trusts declared by the Will of the late Martha Samson in respect of a legacy to the said Church AND ALSO further to amend the provisions of "The Holy Trinity Rectory Resumption Ordinance of 1906" AND ALSO for the purposes of and incidental to the before mentioned legacies and ordinance and for other purposes.

WHEREAS by a second codicil to the last Will and Testament of George Atherden of Sydney in the State of New South Wales the said George Atherden bequeathed unto the Trustees of Trinity Church Fort Street Sydney the sum of One hundred pounds to be expended by them in erecting a steeple to the said Church AND WHEREAS the said Will bears date the Fifth day of November One thousand eight hundred and seventy-five and the second codicil bears date the Thirteenth day of June One thousand eight hundred and seventy-nine AND WHEREAS the said George Atherden died on the Fifth day of October One thousand eight hundred and seventy-nine AND WHEREAS Probate of his Will and Codicils was on the Thirty-first day of October One thousand eight hundred and seventy-nine granted to Robert Campbell Close The Honourable Charles Campbell and William Smith the Executors named in the said Will and Codicils AND WHEREAS by the last Will and Testament of Martha Samson of Upper Fort Street Sydney in the said State Widow such Will bearing date the Thirteenth day of July One thousand eight hundred and eighty-two the said Martha Samson subject to a life estate to her daughter Mary Isabella Samson under the said Will bequeathed the sum of One hundred pounds towards the erection or completion of the steeple of Trinity Church of England Lower Fort Street Sydney AND WHEREAS the said Martha Samson died on the Twenty-first day of July One thousand eight hundred and eighty-two AND WHEREAS Probate of the Will of the said Martha Samson was on the Sixth day of September One thousand eight hundred and eighty-two granted to Frances Perret Jane Thetis Hooper and Thomas Tinley the Executrices and Executor named in the

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said Will AND WHEREAS the aforesaid bequest made by the said George Atherden was vested in the Archbishop of Sydney and invested by him and the same now amounts to £1087 11s. 8d. as on the Third day of February One thousand nine hundred and thirty-eight AND WHEREAS the aforesaid bequest made by the said Martha Samson was vested in the Church of England Property Trust Diocese of Sydney and invested by the said Trust and the same now amounts to £174 6s. 11d. as at the Third day of February One thousand nine hundred and thirty-eight AND WHEREAS the roof and flooring of the aforesaid Trinity Church is in a dangerous state of disrepair and the building requires re-roofing re-flooring and otherwise put into a proper condition AND WHEREAS the roof flooring and building generally being the school attached to the aforesaid Trinity Church is also in a state of disrepair and requires being put into a proper condition AND WHEREAS it is no longer expedient to utilise the moneys arising out of the respective Wills of the said George Atherden and Martha Samson for the purpose of erecting a steeple in connection with the said Church AND WHEREAS it has become inexpedient to carry out or observe such trusts and it is expedient to declare other trusts in manner hereinafter mentioned AND WHEREAS it is expedient to utilise the said sums and the accretions in respect thereto for the purpose of re-roofing re-flooring and otherwise repairing and putting into proper order and condition the said Church as hereinafter mentioned and also for generally repairing and putting into proper condition the said School AND WHEREAS the aforesaid sums under the said respective bequests are not sufficient for the purpose aforesaid AND WHEREAS it is desirable to amend further "The Holy Trinity Rectory Resumption Ordinance of 1906" so as to enable portion of the money thereunto remaining to be used for the purposes aforesaid such remaining money on the Third day of February One thousand nine hundred and thirty-eight being £718 11s. 3d. AND WHEREAS it is expedient for the purposes aforesaid to vary the trusts of the said Will and Codicils of the said George Atherden and the Will of the said Martha Samson and amend the said "The Holy Trinity Rectory Resumption Ordinance of 1906" in manner hereinafter mentioned Now the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinances and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or other-

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wise in the name and in the place of the said Synod declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the Trusts declared by the said Will and codicils of the late George Atherden and the Will of the late Martha Samson and the said Ordinance it has become inexpedient to carry out or observe such trusts in their entirety and it is expedient to utilise the said respective sums of £1087 11s. 8d. and £174 6s. 11d. and of all future accretions in respect thereof and portion of the £718 11s. 3d. in manner hereinafter appearing.

2. The said sums of £1087 11s. 8d. and £174 6s. 11d. and of all future accretions in respect thereof and such portion of the said sum of £718 11s. 3d. (after payment thereof of all costs charges and expenses of and incidental to this Ordinance) shall be applied in or towards the purpose of re-roofing re-flooring and otherwise repairing and putting into proper order and condition the said Holy Trinity Church and the said School.

3. The money required in pursuance of Clause Two herein may be paid to the Rector and/or Minister-in-Charge and Churchwardens for the time being of the said Church (whose receipt shall be a sufficient discharge) to enable them to discharge all the liabilities in connection with the work as set out in Clause Two hereof.

4. This Ordinance shall be styled and cited as "The Holy Trinity Church and School Miller's Point Repair Ordinance of 1938."

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

R. C. ATKINSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Twenty-eighth day of March, 1938.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

29th March, 1938.