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*"The Sydney Diocesan Educational and Book Society  
Ordinance 1940."*

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No. 13, 1940.

AN ORDINANCE to provide for the vesting of the properties of the Sydney Diocesan Educational and Book Society in the Church of England Property Trust Diocese of Sydney the variation of the trusts thereof and the further amendment of the rules of the said Society the further amendment of the Glebe Administration Ordinance 1930 and for matters incidental thereto.

WHEREAS the Synod of the Diocese of Sydney on the 12th day of August 1868 adopted certain Rules and Regulations of the Sydney Diocesan Educational and Book Society in connection with the Societies for Promoting Christian Knowledge, and for the Propagation of the Gospel in Foreign Parts.

AND WHEREAS the Sydney Diocesan Educational and Book Society Ordinance 1918 confirmed adopted and amended the aforesaid Rules and Regulations.

AND WHEREAS by the aforesaid Rules and Regulations the said Society was designated the Sydney Diocesan Educational and Book Society (hereinafter called the said Society) and was declared to embrace the following designs:—

First—The formation and encouragement of Public Schools for the education of youth in the principles of the United Church of England and Ireland.

Second—The distribution of the Holy Scriptures the Book of Common Prayer the Homilies and other Books and Tracts contained in the catalogues of the Society for Promoting Christian Knowledge together with other approved works of a like character and tendency.

AND WHEREAS the Church of England Constitutions Act Amendment Act of 1902 provided that the name Church of England should be substituted and read in all statutes acts grants deeds ordinances and rules of Synod and other instruments then in force or in existence for and instead of the name United Church of England and Ireland whenever occurring in any such statute act grant deed ordinance rule or other instrument.

AND WHEREAS Thomas Moore by his Will dated the sixth day of February one thousand eight hundred and thirty-nine directed

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AND WHEREAS by a decree of the Supreme Court of New South Wales in Equity made the 20th March 1896 it was declared that the said Society was the successor of the Australian Diocesan Committee, referred to in the said Will and was entitled to receive one fourth share of the rents profits and income derived from the property subject to the trusts of the Will.

AND WHEREAS the property investments and moneys as set out in the schedule hereto are held Upon Trust for the said Society and are hereinafter referred to as "the said Society's properties."

AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts it has become inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

AND WHEREAS it is expedient to vest in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Corporate Trustees) the said property investments and moneys.

AND WHEREAS by The Board of Education Ordinance of 1919 the Board of Education of the Diocese of Sydney (hereinafter called the "Board of Education") was established.

AND WHEREAS by the Glebe Administration Ordinance 1930 it was provided that the rents issues and profits of St. Philip's Glebe should be applied inter alia.

In paying to the Board of Education a sum not exceeding one thousand pounds per annum by such instalments as the Board shall determine.

AND WHEREAS by the Church of England (Bodies Corporate) Act 1938 (No. 15, 1938) the Glebe Administration Board was constituted a body corporate.

AND WHEREAS it is expedient to further amend the Glebe Administration Ordinance 1930.

AND WHEREAS by The Registry and Synod Assessments Ordinance of 1895 provision was made for defraying the expenses of the Synod and of the Diocesan Registry.

Now the Synod of the Diocese of Sydney ordains as follows:—

1. The Synod hereby consents to the said Society's properties set out in the said Schedule and all other the said Society's properties if any being vested and the same are hereby vested in the Corporate Trustees.

2. By reason of circumstances subsequent to the creation of the trusts of the said Society's properties it has become inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

3. Of the said Society's properties the sum of £12,293/10/6 shall be deemed to be and shall be held as capital and the balance shall be treated as accumulated income and shall be applied accordingly.

4. The Synod hereby ratifies and confirms the existing investments of the said Society's properties and authorises and empowers

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the Corporate Trustees to invest all moneys which they shall hold Upon Trust for the said Society in any one or more of the investments following that is to say:—

- (a) Investments for the time being allowed by the law of any of the States of the Commonwealth of Australia for the investment of trust funds.
- (b) The purchase of real estate within the Commonwealth.
- (c) Fixed Deposit in any Bank carrying on business within the Commonwealth having its Head Office in Great Britain or Australia.
- (d) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (e) Municipal debentures of any State Capital.
- (f) Deposits in any Government Savings Bank within the Commonwealth.

And the said Corporate Trustees may from time to time vary or release any of such investments.

5. The Corporate Trustees shall apply the income in hand and all future income to be received from time to time in the following manner:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and the vesting of the properties referred to in the Corporate Trustees.
- (b) The balance of the income shall be paid to the said Society and together with any other income receivable by the said Society shall be applied in the following manner:—
  - (i) In payment of all costs and charges incidental to the management of the affairs of the Society.
  - (ii) The balance thereof shall be divided into two equal parts one of which shall be paid to the Board of Education who shall apply the same in the manner provided by The Board of Education Ordinance of 1919.

The Committee of the said Society shall as soon after the 31st December in each year as possible issue to the Glebe Administration Board a certificate setting out the amount paid applied or allocated to the Board of Education in respect of such year.

- (iii) The remaining part shall be applied by such Society in or towards any one or more of the following purposes:—
  1. Schools either formed by or under the control of the Synod.
  2. Moore Theological College.
  3. The training and support of teachers to give religious instruction in State Schools.

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4. The distribution of the Holy Scriptures the Book of Common Prayer Homilies Hymn Books and other literature approved by the Committee of the said Society.
5. The travelling and other expenses of any Bishop or Clergyman or Lay person invited by the Archbishop of Sydney to the Diocese of Sydney for the purpose of conducting evangelistic missions or delivering sermons or giving educational addresses.
6. Such other religious and/or educational purposes as may from time to time be approved by the Standing Committee.

6. By reason of circumstances subsequent to the creation of the trusts of St. Philip's Glebe as comprised in the Glebe Administration Ordinance 1930 as amended it has become inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

7. The Glebe Administration Ordinance 1930 is hereby amended by adding at the end of Sub-clause (1) of Clause 14 the following words:—

Provided that the maximum sum payable under this Sub-clause in respect of any one year shall be reduced by an amount equal to the sum applied or allocated to the Board of Education in respect of such year and by adding the following new Sub-clause to Clause 14:—

- (11) In paying to the Standing Committee of Synod each year an amount equal to the amount paid by the Sydney Diocesan Educational and Book Society to the Board of Education of the Diocese of Sydney during such year which shall be applied by the said Standing Committee as revenue received pursuant to the Registry and Synod Assessments Ordinance 1895.

8. This Ordinance shall not come into force until the first day of January, 1941.

9. This Ordinance may be cited as "The Sydney Diocesan Educational and Book Society Ordinance 1940."

#### SCHEDULE

##### MORTGAGE:

- Reg. No. A.924071 Certificate of Title Vol. 1037 Fol. 165
- Reg. No. A.746792 Certificate of Title Vol. 1799 Fol. 56
- Reg. No. B.320764 Certificate of Title Vol. 3483 Fol. 233
- Reg. No. B.62319 Certificate of Title Vol. 1245 Fol. 211
- Reg. No. B.844255 Certificate of Title Vol. 4281 Fol. 229
- Reg. No. B.333362 Certificate of Title Vol. 2705 Fol. 71
- Reg. No. B.313626 Certificate of Title Vol. 3747 Fol. 86

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AUSTRALIAN CONSOLIDATED TREASURY BONDS

4% due 15th November 1957 £500 (nominal).

4% due 15th September 1961 £200 (nominal).

3½% due 15th November 1949 £150 (nominal).

METROPOLITAN WATER SEWERAGE AND DRAINAGE  
BOARD SYDNEY

Loan No. 36 4 3/8% 1st February 1952 £700

REAL ESTATE

The whole of the land comprised in Certificate of Title Registered Volume 876 Fol. 73 Lots 2 and 3 Section A situate in San Jose Avenue, Lawson.

The whole of the land comprised in Certificate of Title Registered Volume 3323 Fol. 159 Lot 1 Section A situate in San Jose Avenue, Lawson.

The whole of the land comprised in Certificate of Title Registered Volume 4835 Fol. 87 19½ perches frontage of 19 links to San Jose Avenue, Lawson.

LOAN

To the Council of Trinity Grammar School £4,000.

FIXED DEPOSITS

Bank of Australasia No. 84687 (7/12/40) £500.

No. 83066 (7/12/41) £50.

CURRENT ACCOUNT

Bank of Australasia, in the name of Sydney Diocesan Educational and Book Society.

Commonwealth Savings Bank of Australia, Barrack Street, No. S. 600.

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

R. C. ATKINSON,

Chairman of Committees.

We certify that this Ordinance was passed this twelfth day of November, 1940.

S. H. DENMAN, A. L. BLYTHE,

Secretaries of the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

15th November, 1940.