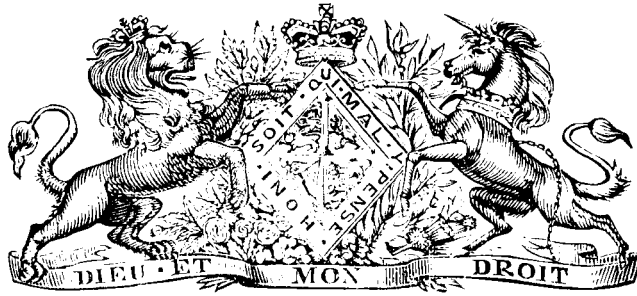


New South Wales.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

An Act for giving legal effect to two Ordinances passed by the Synod of the Church of England, Diocese of Goulburn, called respectively the “Cathedral Ordinance of 1894,” and the “Cathedral Debenture Ordinance, 1894”; and for providing for reference to arbitration of a claim by the Incumbent of Saint Saviour’s Parish, Goulburn. [20th November, 1894.]

GOULBURN
CATHEDRAL VALI-
DATION.

WHEREAS by a grant from the Crown, dated the ninth day of May, one thousand eight hundred and forty-two, a piece of land containing three acres two roods, more or less, situate in the town of Goulburn, in the Colony of New South Wales, was duly granted to Francis Nicholas Rossi, John Francis M’Arthur, William Bradley, and William Shelley upon trust for the erection of a church in conformity with the provisions of the Acts seventh William Fourth number three and eighth William Fourth number five: And whereas by a grant from the Crown, dated the nineteenth day of June, one thousand eight hundred and forty-three, a piece of land in the town of Goulburn containing forty acres, more or less, was duly granted to the said Francis Nicholas Rossi, John Francis M’Arthur, William Bradley, and William Shelley upon trust for the appropriation thereof as a glebe annexed to the church of Saint Saviour, Goulburn, aforesaid: And whereas by indenture, dated the twentieth day of August,

Preamble.

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one thousand eight hundred and forty-four, a piece of land containing by estimation thirty-two perches was conveyed by William Pitt Faithfull to the said Francis Nicholas Rossi, John Francis M'Arthur, and William Bradley upon trust for the building and erection of a school-house and dwelling-house thereon and other school purposes : And whereas there has been erected on the said church land a building known as the Cathedral Church of Saint Saviour, Goulburn, and also a building known as the church hall : And whereas by an agreement, dated the fifth day of December, one thousand eight hundred and eighty-three, and made between the Reverend Alfred Teed Puddicombe, the incumbent of the parish of Saint Saviour, Goulburn, of the one part, and Francis Robert Lewis Rossi, the Honorable James Chisholm, Andrew Faithfull Gibson, Augustine Matthew Betts, and Alexander Mackellar, therein called the trustees of Saint Saviour's glebe lands, of the other part, it was witnessed (among other things) that the said incumbent thereby consented to the said trustees entering upon the said glebe lands and leasing the same as therein mentioned, and the said trustees thereby agreed to apply to Parliament for a private Act authorising the payment from the glebe revenues of an additional one hundred and fifty pounds (making three hundred pounds in all) annually to the incumbent for the time being of Saint Saviour's parish aforesaid, such additional sum of one hundred and fifty pounds per annum to be paid when Parliamentary sanction could be received, and the said Alfred Teed Puddicombe, as such incumbent as aforesaid, thereby released the said trustees from all claims which he might have or be considered to have against them to that date in respect of the annual income of the said glebe lands or trust moneys held in connection therewith and all accumulations of interest, and that all accumulations of interest should be added to and form part of the principal moneys then invested by the said trustees : And whereas application was made in the year one thousand eight hundred and eighty-seven to the Parliament of New South Wales to pass a Bill giving legal effect to the said agreement, and authorising the payment of such additional sum of one hundred and fifty pounds per annum, but the Bill introduced to Parliament for that purpose was not passed, and the said trustees were in consequence unable to make such additional payment : And whereas the said church and glebe lands respectively are now vested in the Lord Bishop of Goulburn upon the trusts aforesaid : And whereas at a session of the Synod of the Church of England for the Diocese of Goulburn, held in the month of April, one thousand eight hundred and ninety-four, an Ordinance was passed for establishing and regulating the constitution of the said Cathedral Church known as the "Cathedral Ordinance of 1894," and an Ordinance was also passed for the issue of debentures in liquidation of the debt on the said Cathedral Church known as the "Cathedral Debenture Ordinance, 1894" : And whereas it is necessary or desirable that the said Ordinances or some of the provisions thereof should have legal effect given to them by Act of Parliament, and that the said Cathedral Church should not be subject to the provisions of the Church Acts : And whereas the said Alfred Teed Puddicombe has received from the revenues of the said glebe lands the annual sum of one hundred and fifty pounds only, and he claims to be entitled to receive compensation for the non-payment to him of the additional annual sum of one hundred and fifty pounds in the said agreement of the fifth day of December, one thousand eight hundred and eighty-three mentioned, and without any admission being made of the validity of the said claim it is deemed desirable that such claim should be settled by arbitration : Be it therefore enacted by the

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Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. The Cathedral Church of Saint Saviour, Goulburn, shall not be subject to the provisions of the Church Acts seventh William Fourth number three and eighth William Fourth number five: Provided it shall and may be lawful for any person who has erected a monument in the Cathedral Church of Saint Saviour, Goulburn, in accordance with permission duly obtained in terms of the Act eighth William the Fourth number five, to have and maintain and keep, but with the permission of the Bishop for the time being, such monument to and for the sole use of himself and heirs for ever.

Exemption of Cathedral Church from provisions of Church Acts.

2. Such of the provisions of the "Cathedral Ordinance of 1894" as are set out in the First Schedule hereto shall be valid and binding and have the force of law as though the same were set out here in full.

Legalisation of provisions of "Cathedral Ordinance, 1894."

3. The provisions of the "Cathedral Debenture Ordinance, 1894," set out in the Second Schedule hereto shall be valid and binding and have the force of law as though the same were set out here in full.

Legalisation of provisions of "Cathedral Debenture Ordinance, 1894."

4. The question whether the said Alfred Teed Puddicombe is entitled to compensation for non-payment to him of the additional annual sum of one hundred and fifty pounds in the said agreement of the said fifth day of December, one thousand eight hundred and eighty three, mentioned, shall be referred to the arbitration of three arbitrators, one of such arbitrators to be appointed by the said Lord Bishop of Goulburn, one by the said Alfred Teed Puddicombe, and the third by the two arbitrators so chosen, and the provisions of the "Arbitration Act of 1892" shall apply, and the decision of any two such arbitrators shall be final and conclusive upon all parties to the reference, and it shall be lawful for the said Lord Bishop of Goulburn to pay and discharge from the said trust funds such proportion of any reasonable expenses that may be incurred in connection with the said arbitration as the said arbitrators or a majority of them may determine he should pay.

Provision for reference to arbitration of a claim by Alfred Teed Puddicombe.

5. If any sum shall be awarded to the said Alfred Teed Puddicombe under the said arbitration the same shall be paid to him out of the rents of the said glebe land and the accumulations of interest on the principal moneys pertaining thereto which have accrued since the fifth day of December, one thousand eight hundred and eighty three, and are now in the hands of the Lord Bishop of Goulburn, or which may hereafter come into his hands or the hands of his successors, and the said Alfred Teed Puddicombe shall have no claim to payment out of any other fund.

Bishop to pay any sum awarded out of certain funds.

6. Subject to the payment to the said Alfred Teed Puddicombe of the amount (if any) which may be awarded to him the surplus of the accumulations of rents and interest shall be capitalised or may be applied in reduction of the existing debt upon the church erected upon the land included in the said firstly recited grant.

Surplus to be capitalised.

7. It shall be lawful for the said trustee to pay and discharge from the said trust funds all the reasonable expenses incurred by him in connection with the passing of this Act or in relation thereto.

Trustee to pay from trust funds all expenses in relation to Act.

8. This Act may be cited as the "Goulburn Cathedral Validation Act, 1894."

Short title.

Goulburn Cathedral Validation.

SCHEDULES.

FIRST SCHEDULE.

The Cathedral Ordinance, 1894.

Sections.

3. The Cathedral shall be called or known by the name of the Cathedral Church of Saint Saviour, Goulburn, and shall be used as the Cathedral Church of the diocese of Goulburn and as the Parochial Church of Saint Saviour, in the city of Goulburn.

4. The right of the Lord Bishop of Goulburn, hereinafter called "the Bishop," to be the Ordinary of the Cathedral and to use it for any purpose in the fulfilment of his office, and to appoint at his discretion any clergyman in the holy order of priesthood to preach therein is hereby acknowledged and confirmed.

5. The general management and government of the Cathedral in all matters relating to its religious and ecclesiastical affairs shall be vested in a body to be called "the Chapter of the Cathedral Church of Saint Saviour, Goulburn," and hereinafter called "the Chapter."

6. The general management of the financial affairs of the Cathedral Church and of the parish of Saint Saviour, hereinafter called "the Cathedral Parish," shall be vested in a body to be called "the Council of the Cathedral Church of Saint Saviour, Goulburn," and hereinafter called "the Council."

7. The land included in the conveyance from William Pitt Faithfull to Saint Saviour's trustees, and dated the twentieth day of August, one thousand eight hundred and forty-four, as also the land included in the Crown grant dated the ninth day of May, one thousand eight hundred and forty-two, with all the buildings thereupon, shall, subject as hereinafter mentioned, remain effectually vested in the Bishop, as sole trustee, and shall be held by him upon trust for the several purposes named in and subject to all the provisions of this Ordinance, and free from the trusts of the original grant; and as regards the land so conveyed by William Pitt Faithfull, for such purposes as the Bishop may from time to time appoint.

8. All income derivable from the said lands and from the pew rents (if any) of the Cathedral Church, and also the income to be received from Saint Saviour's glebe lands and trust moneys shall be applied and appropriated for the purposes named and in the manner provided for in this Ordinance.

9. The building erected on the southern part of the Crown grant aforesaid, now commonly known as the Church hall, shall be used and set apart as a Sunday school building in connection with the Cathedral parish, and for such diocesan, cathedral, parochial, or general purposes as the incumbent of the Cathedral parish and the council with the approval of the Bishop may think fit.

10. The parcel of land situate on the northern side of the Cathedral, being part of the Crown grant aforesaid, and having a frontage of one hundred and ninety-eight feet to Bourke-street, with a depth of about two hundred and thirty-four feet through to Church-street, on which no building has hitherto been erected, may hereafter be used as the Bishop while continuing to act as sole trustee of the said land and the council may appoint, or should the Bishop have resigned such trusteeship, as the council with the approval of the Bishop may appoint.

60. The mode of allotting the said sittings at the first letting thereof shall be in accordance with the provisions of section eight of the Act of eighth William Fourth number five, except that the minimum subscription entitling to priority of choice according to the amount of contributions shall be one pound instead of five pounds, and the maximum number of sittings which may be allotted to any one subscriber shall, except as to schools, be twelve instead of six.

64. During the continuance of the said building debt should the proceeds of the seat rents be insufficient to meet the annual interest on such debt, the unpaid balance of such interest shall be a charge on the Cathedral revenue.

67. The trustee or trustees of Saint Saviour's glebe shall defray all sums if any which may be found to be due to any person or persons out of the proceeds of the said glebe, and shall from time to time pay to the present incumbent of the Cathedral parish out of the rents and profits of the said glebe a stipend of three hundred pounds per annum so long as he shall hold and be capable of fulfilling the duties of his office, and after deducting the expense of collecting the said rents and profits and other necessary charges shall pay the balance of income into the Cathedral revenue.

68. In addition to the abovenamed sum of three hundred pounds per annum payable to the present incumbent of the Cathedral parish from the rents and profits of the glebe, an additional sum of not less than one hundred pounds per annum shall be paid to the said incumbent, which shall be raised in manner following:—In accordance with the provisions of the first section of the "Ordinance for the Sustenance of the Clergy 1871," and at the same time as the meeting hereinbefore appointed for the election of parishioners' wardens, a finance committee shall be appointed to co-operate with the Council for the time being in collecting a stipend fund from such parishioners of the Cathedral parish and of any parochial district which may be annexed thereto as

may

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may be willing to subscribe, the whole of which stipend fund shall be paid to the said incumbent. On the death, resignation, incapacity, or removal of the present incumbent, the said finance committee shall, if the Council so determine, cease to be elected.

69. On the death, resignation, incapacity, or removal of the present incumbent of the Cathedral parish, the whole of the rents and profits of Saint Saviour's glebe shall be paid into and become part of the Cathedral revenue, and the stipend of the incumbent of the Cathedral parish for the time being shall then become a first charge on the said revenue, and the amount of the said stipend shall from time to time be fixed by the Cathedral Council, but shall in no case be less than three hundred pounds or more than five hundred pounds per annum.

70. The total income received by the Council from the rents and profits of the glebe, from offertory and other collections, except those by previous arrangement assigned to special objects, from seat rents (if any), from fees, from subscriptions, donations, and endowments, shall be held to form one sum, which shall be known as the Cathedral revenue, and be chargeable as follows:—

- (1) The payment to the present Dean, so long as he shall hold the office of Dean and be capable of fulfilling its duties, of such annual stipend as the Council may from time to time determine. Whenever the Bishop or the incumbent of the Cathedral parish shall hold the office of Dean this stipend shall cease to be paid.
- (2) The payment to the precentor or acting precentor, in twelve equal monthly payments, of such stipends as may be appointed for him by the Council.
- (3) The payment to the minor canons (if any), in twelve equal monthly payments, of such stipends as may have been severally assigned to them by the Council.
- (4) The payment, in four equal quarterly payments, of such salary to the organist as the Council shall have previously determined, and the Dean or Vice-Dean shall have agreed with him to pay.
- (5) The payment to the choir boys of such half-yearly honorarium for their services as may be determined by the Council.
- (6) The Cathedral revenue shall likewise be chargeable with the repair of the Cathedral church and of the parsonage of the Cathedral parish, and of such other buildings as may be connected with the Cathedral or the Cathedral parish.
- (7) The balance of the revenue that may remain at the disposal of the Council after the above payments and charges shall have been satisfied shall be dealt with as the Council shall from time to time determine: Provided always that in the event of any donation of legacy being the subject of any special trust, it shall be competent for the Council to accept such donation or legacy so subject.

73. All clergymen in the holy order of priesthood who are duly licensed by the Bishop and are attached to the Cathedral staff shall for Synodical purposes be deemed to be clergymen licensed to a separate cure of souls within the diocese, and be entitled to sit and vote as members of the Synod of the diocese.

SECOND SCHEDULE.

An Ordinance for the issue of debentures in liquidation of the debt on the Cathedral Church of Saint Saviour, Goulburn.

WHEREAS the Cathedral Church of Saint Saviour, Goulburn, is encumbered with a debt of at least four thousand pounds, which is known as the Cathedral building debt: And whereas it is necessary to make provision for the payment or satisfaction of that debt: Be it therefore ordained by the Synod of the diocese of Goulburn, in pursuance of the powers conferred upon it by the constitution for the management and good government of the United Church of England and Ireland within the Colony of New South Wales, as follows:—

1. The Cathedral Council, elected under the provisions of the Cathedral Ordinance of 1894, shall have the power of issuing eight hundred debentures of five pounds each, and the said debentures shall bear interest at the rate of five per centum per annum, and the said interest shall be payable within seven days of the first day of January and the first day of July in each year.

2. That the form of the said debentures shall be that set forth in the Schedule of this Ordinance.

3. That the payment of the interest on, and the redemption of the principal of the said debentures shall be a charge, subject to a prior payment of such annual sum to the incumbent for the time being as by law provided and to the actual expenses of Divine service, upon the annual revenue actual or prospective of the Cathedral Church of Saint Saviour and the glebe lands annexed thereto.

4. The said debentures shall be transferable by endorsement, and they shall be redeemable by lot, as the resources of the Cathedral Council will permit, on any half-yearly interest days, the interest on the debentures so redeemed being paid to that time only.

5. The Cathedral Council shall lay before the Synod of the Diocese at every session, and shall send to each debenture holder, if known, an annual statement of the Cathedral and glebe revenues, which statement shall set forth all payments made on account

George Hill's Estate.

account of such debentures. The statement shall be made up to the thirty-first of December in each year, and shall, before being presented to the Synod or sent to the said debenture holders, be audited and certified to by the diocesan auditors.

6. This Ordinance shall be cited as the "Cathedral Debenture Ordinance, 1894."

SCHEDULE.

| No. | £5. | No. | £5. |
|-----------------------------------|---|---------------------------|-----|
| | CATHEDRAL CHURCH OF ST. SAVIOUR, GOULBURN. | | |
| | <i>Debenture.</i> | | |
| | Transferable by endorsement, witnessed by one of the Cathedral wardens and duly registered. | | |
| <i>Cathedral Debenture.</i> | THIS is to certify that of h executors, administrators, or assigns, or his, her, or their endorsees, is entitled to the principal sum of five pounds sterling, to be paid out of the funds derived from the revenues of the Cathedral Church of Saint Saviour, Goulburn, in accordance with the "Cathedral Debenture Ordinance, 1894," as passed by the Synod of the diocese of Goulburn, with interest thereon in the meantime at the rate of five pounds per centum per annum, payable half-yearly within the first seven days of July and the first seven days of January in every year, such principal sum and interest to be payable and paid at the Bank of . | | |
| Interest Coupon, No. 1. | Dated this day of 189 . | | |
| Bank of | For and on behalf of the Council of the Cathedral Church of Saint Saviour, Goulburn— | | |
| On the , pay | President. | | |
| two shillings and sixpence | Issued by Treasurer. | | |
| sterling. | } Wardens. | | |
| Treasurer of the Cathedral | The numbers of the debentures as they are redeemed will be notified to the holders one week prior to such redemption being payable. Interest will cease on the day of payment specified in such notices. | | |
| Council, Goulburn. | | | |
| | £5. | <i>Redemption by lot.</i> | £5. |