

An Act to vest the property, in or upon the security of which the moneys belonging to the Clergy Widows and Orphans Fund are or may be hereafter invested, in the trustees for the time being of such Fund; and for other purposes. [15th October, 1897.]

CLERGY WIDOWS
AND ORPHANS FUND
(SYDNEY DIOCESE)
TRUSTEES.

WHEREAS at a session of Synod of the United Church of Preamble. England and Ireland for the Diocese of Sydney, duly convened and held at Sydney, in the month of August, one thousand eight hundred and sixty-seven, it was agreed and determined to form a fund to be called the "Clergy Widows and Orphans Fund" for the purpose of making a provision for the widows and orphans of the clergymen of the said church subscribing to the said fund, and for the widows and children of non-parochial clergymen connected with the said church: And whereas by deed of settlement of the said fund, bearing date the thirtieth day of July, one thousand eight hundred and sixty-eight, it was provided that the fund should be under the management of a board of trustees consisting of the Lord Bishop of the Diocese, for the time being, who should be president, and eight others, four of whom should be clergymen and four laymen appointed by the Synod. That one clergymen and one layman should retire annually but be capable of re-election: And it was thereby further provided that the trustees should have power to make investments and generally to manage the said fund, and that the trustees should be free from any personal liability as to the investments of the moneys or their administration of the fund: And whereas the Most Reverend the Lord Bishop of Sydney, president, Reverends Canon Robert Taylor, James Napoleon Manning, LL.D., Henry Wallace Mort, M.A., Joshua Hargrave, Messrs. John Kent, John Russell French, Edward Knox, and Edward Henry Rogers are the present trustees of the said fund under the provisions of the said deed of settlement: And whereas in consequence of the death, resignation, or retirement of trustees from time to time, new trustees have to be appointed in the place of those so dying, resigning, or retiring; and upon every such change in the trustees of the said fund the lands, tenements, hereditaments, securities, and property in or upon the security of which the trustees of the said fund might have invested the moneys belonging to or forming part of the said fund would, in the absence of any special enactment in relation thereto, have to be transferred from time to time to the person or persons so becoming trustee or trustees of the said fund, as the case may be, whereby the

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titles thereto would become unnecessarily complicated, and great expense would be occasioned to the said fund: And whereas it is expedient that the lands, tenements, hereditaments, securities, and property in or upon the security of which the moneys belonging to or forming part of the said fund have been or may hereafter be from time to time invested should be vested by operation of law in the trustees for the time being of the said fund without requiring the same to be assigned, transferred, or conveyed to the new trustee or trustees on every change of trustees: And whereas these objects cannot be effected without the aid and authority of the Legislature: Be it therefore enacted by the 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:—

Memorial of names of trustees for time being to be registered.
Supply of vacancies in office of trustee.

1. The honorary treasurer of the said fund for the time being, or, in case of his absence, one of the other trustees for the time being of the said fund shall, within thirty days after the passing of this Act, cause a memorial of the names of the trustees for the time being of the said fund (in the form or to the effect for that purpose set forth in the Schedule A to this Act annexed) to be recorded in the office of the Registrar-General of this Colony, at Sydney. And when and so often as any person or persons shall become a trustee or trustees of the said fund in the place of any theretofore existing trustee or trustees of the said fund, then the honorary treasurer for the time being, or, in his absence, one of the other trustees for the time being of the said fund shall, within thirty days thereafter, cause a like memorial of the names of the then trustees including such new trustee or trustees to be recorded as aforesaid.

Memorial to be verified by declaration.

2. Every such memorial shall be verified by the solemn declaration of the honorary treasurer of the said fund for the time being, or, in case of his absence, then by the solemn declaration of one of the other existing trustees of the said fund.

Memorial to be conclusive evidence of the appointment of trustees.

3. The memorial so recorded shall be conclusive evidence of the persons named in such memorial as trustees of the said fund being such trustees for the time being and of the regularity of their appointment.

All property belonging to the fund to be vested in the trustees for the time being.

4. From and after the passing of this Act, the lands, tenements, hereditaments, securities, and all other property whatsoever, whether real or personal, in or upon the security of which the moneys belonging to or forming part of the said fund or any part thereof, are now or may at any time hereafter be invested shall vest and be vested in the trustees of the said fund for the time being by force of this Act and by virtue of their appointments merely without conveyance, assignment, or

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or transfer, and the said trustees for the time being shall have the same powers and rights both at law and in equity with respect to the said lands, tenements, hereditaments, securities, and other property so vested in them as aforesaid as they would have if the same had been duly conveyed, assigned, or transferred to them. The present investments of the said funds are set out in Schedule B hereto.

5. In all cases where the trustees of the said fund are authorised, Any three of the trustees may execute deeds, &c. empowered, or required to execute any deed or other instrument or do any other act, matter, or thing, it shall be lawful for any three of the trustees for the time being to execute such deed or instrument or do any such other act, matter, or thing, and such deed or instrument, act, matter, or thing shall be deemed to be as valid and effectual as if the same had been executed or done by all the trustees for the time being.

6. Investments of the trust funds may be taken in the name of any three of the trustees for the time being of the said fund, and no Investments may be taken in the names of three trustees. person shall be obliged to inquire whether such persons are trustees for the time being of the said fund or whether they are acting within their powers in lending money on any particular security or into any matter or thing connected with the propriety or regularity of any such investment, and shall not be affected by express notice that any such investment is irregular and improper.

7. This Act shall be styled and may be cited as the "Clergy ^{Short title.} Widows and Orphans Fund (Sydney Diocese) Trustees Act."

SCHEDULE A.

MEMORIAL of the names of the trustees of the Clergy Widows and Orphans Fund (Sydney Diocese) to be recorded in the office of the Registrar-General of New South Wales, pursuant to an Act of Parliament of the said Colony, passed in

the reign of Her present Majesty, intituled "An Act to vest the property, in or upon the security of which the moneys belonging to the Clergy Widows and Orphans Fund (Diocese of Sydney) are, or may be hereafter, invested in the trustees for the time being of such fund; and for other purposes. I, _____ of _____, do solemnly and sincerely declare that the above memorial contains the names of the present trustees of the abovenamed fund. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provision of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits."

Declared at _____, in the Colony afore-
said, the _____ day of _____, in the
year of our Lord one thousand eight
hundred and _____.

Before me,--

SCHEDULE

Clergy Widows and Orphans Fund (Sydney Diocese) Trustees.

SCHEDULE B.

Schedule of securities current in name of the trustees of the Clergy Widows and Orphans Fund:—

Amount.	Name of Mortgagor.	Mortgagees.
£		
3,250	Wm. Pritchard	Edwd. Knox, R. Hills, H. E. A. Allen.
5,800	H. J. Turner, H. Colis, and others.	Edwd. Knox, Robert Hills.
1,500	G. J. Sly, F. W. Binney,	} Edwd. Knox, Robert Hills.
	C. F. Edwards, trustees	
	Parsonage, Strathfield...	
6,000	Richd. P. Brickwood ...	Edwd. Knox, Robert Hills.
270	Robert Thompson ...	Edwd. Knox, Robert Hills.
1,000	James A. Eaton ...	Edwd. Knox, Robert Hills.
600	Annie Rumpf ...	Robert Deane, Robert Hills.
700	Charles Hudson ...	Edwd. Knox, Robert Deane.
600	Mary Smail... ...	Edwd. Knox, Robert Deane.
200	Anton Schell ...	Edwd. Knox, Robert Deane.
450	W J. Puddicome ...	Edwd. Knox, Robert Deane.
400	Edward Crump, junr. ...	Edwd. Knox, Robert Deane.
400	Patrick McCarthy ...	Edwd. Knox, Robert Deane, E. H. Rogers.
300	Albert Hawkes Paton ...	Edwd. Knox, Robert Deane, E. H. Rogers.