

CORPORATE TRUSTEES OF THE DIOCESE OF
GRAFTON
MACGREGOR ESTATE VESTING ORDINANCE, 1933

PREAMBLE.

AN ORDINANCE requesting the Corporate Trustees of the Diocese of Grafton to accept the Trusteeship of the Real and Personal property described in this Ordinance to provide for the management of the same and also for all matters and things incidental to the objects herein mentioned and for other purposes.

WHEREAS by her will dated the twenty-fifth day of February in the year of Our Lord one thousand nine hundred and ten CHARLOTTE SUTHERLAND MACGREGOR in the said Will called Charlotte McGregor after certain bequests therein set out gave devised and bequeathed the whole of her real and the residue of her personal estate whatsoever and wheresoever unto her Trustees in the said Will described upon inter alia the following Trust. As to her 300 acres conditionally purchased land in the Parish of Mullumbimby to sell and dispose of 100 acres thereof being portion 39 of the said Parish at such time or times and in their absolute discretion in such manner as the said Trustees should think fit and out of the net proceeds to arise from such sale SHE DIRECTED the said Trustees to pay to the Crown whatsoever moneys might be necessary to render the remaining 200 acres of the said conditionally purchased land being Portion 75 of the said Parish freehold and to obtain a Crown Grant or Crown Grants therefor AND out of the balance of the net proceeds of such sale to pay certain legacies in the said Will described AND to pay the residue of such net proceeds to the Anglican Bishop for the time being of the Diocese of Grafton and Armidale to be used for Diocesan purposes AND she empowered her said trustees from time to time to manage the remaining 200 acres and to let the same from time to time for such periods at such rents and upon such terms and conditions as they in their absolute discretion should deem desirable and out of the net rents arising therefrom to pay the sum of Twenty pounds per annum to the said Bishop to be used in the support of the Anglican Church situate nearest to the said 200 acres AND to pay the residue of such rents from time to time received by them to Mrs. Wallace in the said Will described and Miss Alice Field in the said Will described in the proportions of three fifths of the said residue to the said Mrs. Wallace and two fifths thereof to the said Miss Alice Field for the term of their natural lives respectively AND SHE DIRECTED that at the death of either of the said Mrs. Wallace or the said Miss Alice Field what would otherwise have been her portion of the residue should be paid to the said Bishop to be used by him for Diocesan purposes generally and upon the decease of the survivor of the said Mrs. Wallace and the said Alice Field SHE GAVE AND DEVISED the said 200 acres to the said Bishop absolutely to be used by him for Diocesan purposes generally AND WHEREAS by Originating Summons dated the first day

of March one thousand nine hundred and thirty two No. 149 of 1932 read out of the Supreme Court of New South Wales in its Equitable Jurisdiction BETWEEN RALPH MATE THOMPSON one of the Trustees aforesaid Plaintiff and the Bishop of Grafton, the Bishop of Armidale and John Macgregor Charles Macgregor and Jane Tulloch usually known as Jeanne, Defendants. The following questions were submitted for the determination of the said Court.

1. Whether the gift in the said Will contained of the residue of the net proceeds of the sale of Portion 39 of the Parish of Mullumbimby comprising 100 acres part of the farm of 300 acres in the said Parish as in the said Will mentioned to the Anglican Bishop for the time being of the Diocese of Grafton and Armidale to be used for Diocesan purposes is a valid gift.
2. If question (1) is answered in the affirmative who was the person or persons entitled to such residue and if more than one in what shares and on what trust (if any)?
3. If question (1) is answered in the negative who are the persons entitled to such residue?
4. Whether the gift of the sum of Twenty pounds per annum to the said Bishop to be used in support of the Anglican Church situate nearest to the said 200 acres is a valid gift?
5. If question (4) is answered in the affirmative who is the person or persons entitled to such legacy and if more than one in what shares and on what trusts (if any)?
6. If question (4) is answered in the negative who are the persons entitled to such legacy?
7. Whether the gift of--
 - (a) The residue of the rents of the said 200 acres; or
 - (b) The corpus of the said 200 acres in remainder after the deaths of the survivor of the life tenants thereof to the said Bishop of Grafton and Armidale is a valid gift.
8. If question (7) is answered in the affirmative who is the person or persons entitled to such gifts and if more than one in what shares and upon what trusts.

AND WHEREAS by Decretal Order of the said Court bearing date the thirtieth day of August in the year of Our Lord one thousand nine hundred and thirty-two made by the Honorable Reginald Heath Long Innes Judge in Equity IT WAS DECLARED in answer to question one of the said Summons that the gift in the Will of the said Testatrix of the residue of the net proceeds of the sale of Portion 39 of the Parish of Mullumbimby comprising 100 acres part of the farm of 300 acres in the said Parish as in the said Will mentioned to the Anglican Bishop or the time being of the Diocese of Grafton and Armidale to be used for Diocesan purposes is a valid gift AND IT WAS FURTHER DECLARED in answer to question 4 of the said Summons that the gift of the sum of Twenty pounds per annum to the said Bishop to be used in support of the Anglican Church situate nearest to the said 200 acres part of the said farm is a valid gift AND IT WAS FURTHER DECLARED in

192

answer to question 7 of the said Summons that gift of (a) the residue of the rents of the said 200 acres and (b) the corpus of the said 200 acres in remainder after the deaths of the survivor of the life tenants thereof to the said Bishop of Grafton and Armidale is a valid gift AND THE SAID COURT DID DECLINE TO ANSWER questions two five and eight of the said Summons until the Defendant Bishops are separately represented AND THE SAID COURT DID FURTHER ORDER that as to such questions this suit do stand over generally with liberty to any party to restore the same to the list at his own wish as to costs on seven day's notice to the other parties AND the said Court did further order that it be referred to the Deputy Registrar in Equity or to such other officer of the said Court as the Master in Equity might appoint to tax as between Solicitor and client and certify the costs of all parties of the action up to and including this Order and that the said costs when so taxed and certified be paid out of the estate of the said Testatrix to the said parties respectively or to their respective Solicitors AND WHEREAS by Ordinance of the Diocese of Armidale known as the Grafton Diocese Ordinance 1910 the said Diocese of Grafton and Armidale was divided into two separate Dioceses namely the Diocese of Armidale and the Diocese of Grafton which are now respectively the Bishopsrics of the Bishop of Armidale and the Bishop of Grafton AND WHEREAS by Deed of Settlement in connection with the aforesaid Equity suit dated the sixth day of July One thousand nine hundred and thirty three made BETWEEN THE RIGHT REVEREND JOHN WILLIAM ASHTON Bishop of the Diocese of Grafton (hereinafter called the Bishop of Grafton) of the one part and THE RIGHT REVEREND JOHN SPOWARD MOYES Bishop of the Diocese of Armidale (hereinafter called the Bishop of Armidale) of the other part AFTER reciting aforesaid Will and the aforesaid proceedings in the Supreme Court of New South Wales in its Equitable Jurisdiction and also the aforesaid Ordinance for the consideration therein mentioned it was thereby agreed and declared as follows:—

1. The said parties agree that the Bishop of Grafton is to take and the Bishop of Grafton hereby accepts the said Twenty pounds per annum in respect of land in the Parish of Mullumbimby Diocese of Grafton to and for his own use absolutely subject to the terms of the said Will.
2. As to the whole of the remaining interests under the said Will bequeathed and devised unto and/or for the use of the Bishop of Grafton and Armidale the said parties to this Deed agree to accept one equal half share each therein in full satisfaction of their respective interests under the said Will.
3. That the execution of this document is to be a conclusive discharge in settlement of the aforesaid suit.

AND WHEREAS the Bishop of the Diocese of Grafton (hereinafter designated the said Bishop) is desirous of vesting all his Estate right title and interest in under and to the hereinbefore recited Will and/or Deed of Settlement in the Corporate Trustees of the Diocese of Grafton (hereinafter designated the said Trustees) in manner hereinafter mentioned NOW THERE-

FORE the Council of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the "Church of England Trust Property Act 1917" and the Ordinance of Synod passed in the year One thousand nine hundred and eighteen appointing the Council of the Diocese of Grafton for the purpose of exercising during the recess of Synod the powers and functions in the said Ordinance referred to 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 otherwise in the name and place of such Synod ordains declares and rules as follows:—

1. It is expedient to vest and the said Bishop vests in the said Trustees all and singular the parts and part shares and share of him the said Bishop of or to which he is or can become entitled in possession expectancy survivorship accretal or otherwise in any manner howsoever and whether vested contingent or otherwise in under and to the hereinbefore recited will of Charlotte Sutherland Macgregor in the said Will called Charlotte McGregor and also of in and to the hereinbefore recited Deed of Settlement of the Sixth day of July One thousand nine hundred and thirty-three made between the said Bishop and the Bishop of Armidale.
2. The said Real and Personal Estate (hereinafter designated the said real and personal estate) hereby vested in the said Trustees by virtue of this Ordinance shall be invested and the income applied in manner hereinafter mentioned.
3. The income of the real and personal estate shall be paid from time to time to the Bishop for the time being of the Diocese of Grafton whose receipt shall be a conclusive discharge for the same and such income shall be applied by him for Diocesan purposes in the Diocese of Grafton such Diocesan purposes being set out in the schedule hereto.
4. The said Trustees shall from time to time invest the said real and personal estate under this Ordinance in the following securities namely—
 - (a) Any public funds or Government stock or Government securities of the Commonwealth of Australia or any State thereof or the Dominion of New Zealand.
 - (b) Any debentures or securities guaranteed by the Commonwealth Government.
 - (c) Any public funds or Parliamentary stock or Government securities of the United Kingdom.
 - (d) Mortgage of land in New South Wales.
 - (e) Deposit in the Commonwealth Bank of Australia.
 - (f) Any of the stocks funds or securities for the time being authorised for the investment of cash under the control or subject to the order of the Supreme Court of New South Wales.

Provided that such investments shall in all respects be governed by the Trustee Act, 1925, or any Act amending or taking the place of the same.

5. That the said Trustees be and they are hereby relieved from the obligation if any of enquiring into or taking action in respect of the past administration of the Trusts relating to the said real and personal estate.

THE SCHEDULE REFERRED TO.

1. Clergy Provident Fund.
2. Bishop of Grafton's Bush Missionary Fund.
3. Diocesan Car Fund.
4. Diocesan Loan and Investment Fund.
5. Diocesan Library.
6. Ordination Candidates' Fund.
7. 'North Coast Churchman,'
8. The Church of England Insurance Company of Australia Limited.
9. Bishop's Lambeth Travelling Fund.

SHORT TITLE.

This Ordinance may be cited as the 'Corporate Trustees of the Diocese of Grafton Macgregor Estate Vesting Ordinance 1933.'

I hereby certify that this Ordinance was passed by the Bishop-in-Council this 28th day of September, 1933.

WILL. B. KING, Secretary.

I assent to this Ordinance,

JOHN WILLIAM GRAFTON, Bishop.

17th October, 1933.
