

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

No 36, 1991

AN ORDINANCE to vary the trusts upon which certain scholarship and other funds are held.

WHEREAS

A. The capital and income or in some cases the income of the funds described in the Schedule to this ordinance are church trust property held upon a trust for the Anglican Church of Australia in the Diocese of Sydney.

B. It is inexpedient to carry out and observe those trusts to the extent that the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. This Ordinance may be cited as "Moore Theological College Scholarships and Endowments Ordinance 1991".

2. (1) In this Ordinance -

"Authorised investments" means, in relation to each Fund, such investments in which the Council may invest moneys from time to time by virtue of its constituting ordinance or any other ordinance;

"College" means Moore Theological College;

"Council" means Moore Theological College Council;

"Fund" means a fund described in a Schedule;

"Library Endowment" means the fund vested in the Property Trust, created by clause 12 of the Diocesan Income and Expenditure Ordinance 1988 and held by the Property Trust to apply the income for the purchase of books and periodicals for the Moore Theological College Library;

"Schedule" means a Schedule to this Ordinance; and

"Trustees" means the trustees for the time being of the estate of the late Thomas Moore.

(2) A reference to a Fund includes all investments which represent the same.

(3) Subject to clause 11, this Ordinance applies to each Fund.

(4) A reference in this Ordinance, except in clause 14, to the trusts on which the fund described in Schedule 11 is held is a reference to those trusts as varied by clause 14.

(5) This Ordinance in so far as it applies to trust income, applies to such income derived on and from 1 January 1991.

3. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which each Fund is held, it is inexpedient to carry out and observe the same to the extent, if at all, that the same are hereby varied.

(2) All moneys and other property which were part of a Fund or derived therefrom and which have been applied in any manner inconsistent with the trusts on which the relevant Fund was held prior to 1 January 1991 are deemed to have been held upon trusts for the purposes for which the same have been applied.

4. Consent is given to the Fund described in Schedule 1 vesting in the Property Trust which, as soon as convenient, shall transfer the same to the Council to be held by the Council upon the same trusts that the said Fund is presently held.

5. (1) Consent is given to the Fund described in Schedule 2 vesting in the Property Trust.

(2) The said Fund shall be held upon the same trusts as the trusts on which the Library Endowment is held and shall be amalgamated with the Library Endowment.

6. (1) Consent is given to the Fund described in Schedule 3 vesting in the Property Trust.

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

(2) The said Fund shall be held upon the same trusts as the trusts on which the Library Endowment is held and shall be amalgamated with the Library Endowment.

7. (1) Consent is given to the Fund described in Part 1 of Schedule 4 vesting in the Property Trust which, as soon as convenient, shall transfer the same to the Council to be held by the Council upon the trusts on which the said Fund is presently held.

(2) The said Fund shall be known as the "Eleanor Abbott Prize Fund".

(3) The income from the Fund, subject to any requirement as to accumulation, shall be applied in accordance with Part 2 of Schedule 4.

8. (1) Consent is given to the Fund described in Schedule 5 vesting in the Property Trust which, as soon as convenient, shall transfer the same to the Council to be held by the Council upon the trusts on which the said Fund is presently held.

(2) The Fund shall be known as the "Bishop Barker Prize Fund".

(3) The income from the said Fund, subject to any requirement as to accumulation, shall be applied in accordance with Part 2 of Schedule 5.

9. (1) Consent is given to the Fund described in Schedule 6 vesting in the Property Trust which, as soon as convenient, shall transfer the same to the Council to be held by the Council upon the trusts upon which the said Fund is presently held.

(2) The said Fund shall be known as the "Lucas Tooth Prize Fund".

(3) The income from the said Fund, subject to any requirements as to accumulation, shall be applied in accordance with Part 2 of Schedule 6.

10. (1) Consent is given to the Fund described in Schedule 7 vesting in the Property Trust which, as soon as convenient, shall transfer the same to the Council to be held by the Council upon the trusts upon which the said Fund is presently held.

(2) The Fund shall be known as the "H.W. Abbott Scholarship Fund".

(3) The income from the said Fund, subject to any requirement as to accumulation, shall be applied in accordance with Part 2 of Schedule 7.

11. This Ordinance does not apply to the Fund described in Schedule 8.

12. (1) This Ordinance applies to such of the income of the Fund described in Schedule 9 which has not been accumulated by the trustee of the Fund.

(2) The income from the said Fund shall be paid to the Property Trust.

(3) The Property Trust shall pay the income to the Council without any deduction apart from its actual expenses in connection with the receipt and payment of such income.

(4) The income shall be held upon the trusts in Part 2 of Schedule 9.

13. The Fund described in Schedule 10 shall be amalgamated with and held upon the trusts on which the Fund described in Schedule 11 is held.

14. The trusts on which the Fund described in Schedule 11 is held are varied as follows:

(a) Clause 1 of the deed dated 18 July-1906 shall cease to apply.

(b) A reference in the said deed to "the Trustees" is a reference to the Council.

15. The Fund described in Schedule 12 shall be amalgamated with and held upon the trust on which the Fund described in Schedule 11 is held.

16. (1) The Funds described in Schedules 13, 14, 15 and 16 shall be held upon trust for the purpose of providing scholarships to be awarded by the Principal to persons:

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

- (a) who are enrolled at the College; or
- (b) who have been enrolled at the College at any time during the 10 years preceding the date on which the scholarship is awarded.

of such amounts as the Principal may determine from time to time generally or in relation to any particular case.

(2) The said Funds shall be amalgamated. The amalgamated Fund shall be known as the "Cash Family Scholarship Fund" and the scholarships awarded from the income thereof shall be known as "Cash Scholarships".

17. The Fund described in Schedule 19 shall be amalgamated with and held upon the trust on which the Fund described in Schedule 1 is held.

18. The Funds described in Schedules 21, 22, 24, 26 and 27 shall be amalgamated with and held upon the trusts on which the Fund described in Schedule 11 is held.

19. The Fund described in Schedule 25 shall be held upon the trust that the Fund known as the "Principal's Discretionary Fund" is held and shall be amalgamated with that Fund.

20. The Fund described in Part 1 of Schedule 28 shall be held upon trust for the purpose stated in Part 2 of Schedule 28.

21. The Fund described in Part 1 of Schedule 29 shall be held upon trust for the purposes stated in Part 2 of Schedule 29.

22. The Fund described in Part 1 of Schedule 30 shall be held upon trust for the purposes stated in Part 2 of Schedule 30.

23. The Fund described in Part 1 of Schedule 31 shall be held upon trust for the purposes stated in Part 2 of Schedule 31.

24. The Fund described in Schedules 32 and 33 shall be amalgamated with and held upon the trusts on which the Fund described in Schedule 11 is held.

25. Consent is given to the Fund described in Schedule 35 vesting in the Property Trust.

26. The Fund described in Part 1 of Schedule 36 shall be held upon trust for the purpose stated in Part 2 of Schedule 36.

27. The Council may at any time and from time to time delegate all or any of the powers and discretions conferred on it by this Ordinance or otherwise (except this power of delegation) in relation to:

- (a) the persons to whom scholarships and bursaries are awarded; and
- (b) the number and magnitude of scholarships and bursaries awarded;

provided that it shall be a term of every such delegation that the person or persons to whom any such delegation is made must report to the Council not less than once in each calendar year and at other times upon being requested so to do by the Council as to the exercise of all such delegated powers and discretions.

28. (1) Income from a Fund which is derived in any calendar year and is not applied in that or the immediately following calendar year shall be capitalised.

(2) One third of so much of the income of a Fund (of which the Council is the trustee) which is derived by the Council in the course of a calendar year from investments which are not:

- (a) land or interest in land; or
- (b) units in Sydney Anglican Property Fund,

shall be capitalised at the end of that calendar year.

29. (1) A Fund to which this Ordinance applies shall be invested in Authorised Investments.

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

(2) The Council may pool the whole or any part of any Funds for purposes of investment and average the gains, losses and interests for the purposes of such investment and pooling.

SCHEDULE 1
(Will of Thomas Moore)

The Fund established by the Will of Thomas Moore of which the Trustees are the trustee held upon trust to apply the income for the maintenance and support of the College.

SCHEDULE 2
(Bishop Barry Testimonial Fund)

The Fund known as "Bishop Barry Testimonial Fund" of which the Trustees are the trustee held upon trust for the College Library.

SCHEDULE 3
(Sydney Diocesan Library Fund)

The Fund known as "Sydney Diocesan Library Fund" of which the Trustees are the trustee held upon trust, inter alia, for the College Library.

SCHEDULE 4
(Eleanor Abbott Scholarship Fund)

Part 1

The Fund known as "Eleanor Abbott Scholarship Fund" of which the Trustees are the trustee held upon the trusts set forth in the Will of the late T.K. Abbott such trusts being (inter alia) to apply the income for the maintenance and education of a student for holy orders for the Anglican Church of Australia.

Part 2

For a prize for the candidate for ordination as a deacon in the Anglican Church of Australia who obtains the highest marks in the examinations held by the College at the end of second year of the undergraduate course conducted by the College and who, at the time the prize is awarded, intends to undertake the third and fourth years of that course.

SCHEDULE 5
(Frederic Barker Scholarship Fund)

Part 1

The Fund known as "Frederic Barker Scholarship Fund" of which the Trustees are the trustee held upon trust to provide a scholarship at the College.

Part 2

For a prize for the candidate for ordination as a deacon in the Anglican Church of Australia who obtains the highest marks in the examinations held by the College at the end of third year of the undergraduate course conducted by the College and who, at the time the prize is awarded, intends to undertake the fourth year of that course and qualify for the Diploma of Arts awarded by the College.

SCHEDULE 6
(Lucas Tooth Scholarship Fund)

Part 1

The Fund known as "Lucas Tooth Scholarship Fund" of which the Trustees are the trustee held upon the trusts set forth in a deed of appointment in 1962 that is, inter alia, to apply the income to meet fees and expenses of students of the College studying for the ministry of the Anglican Church of Australia.

Part 2

For a prize for the candidate for ordination as a deacon in the Anglican Church of Australia who obtains the highest marks in the examinations held by the College at the end of second year of the undergraduate course conducted by the College and who, at the time the prize is awarded, intends to undertake the third and fourth years of that course.

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

SCHEDULE 7
(Henry William Abbott Scholarship Fund)

Part 1

The Fund known as "Henry William Abbot Scholarship Fund" of which the Trustees are the trustee held upon the trusts set forth in the Will of the late T.K. Abbott that is, inter alia, to apply the income to the maintenance and education of a student proposing to seek ordination as a priest or deacon of the Anglican Church of Australia.

Part 2

The income to be applied each year towards the maintenance and education of a candidate or candidates for ordination as a deacon in the Anglican Church of Australia and studying at the College.

SCHEDULE 8
(Doyle Bequest)

The Fund known as "The Doyle Bequest" of which the Union-Fidelity Trustee Company of Australia Limited is the trustee established by the Wills of the late Nora Alice Doyle and of the late Mary Lisle Doyle and held upon trust set forth in these Wills.

SCHEDULE 9
(Marcia Abel Scholarships)

Part 1

The Fund known as the "Marcia Abel Scholarship Fund" of which Burns Philp Trust Company Limited is the trustee established by the Will of the late Marcia Florence Abel and held upon the trusts set forth in clause 7(c) of that Will.

Part 2

Upon trust for the following purpose, namely, awarding scholarships to persons enrolled at the College of such amounts as the Council may determine from time to time generally or in relation to any particular case.

SCHEDULE 10
(F.H. Andrews Trust)

The Fund known as the "Francis Herbert Andrews Prize" of which the Council is the trustee held upon trust, inter alia, to promote religious education and more particularly psychology, part of the income to be applied in providing an annual or other prize.

SCHEDULE 11
(Moore College Bursary Trust)

The Fund known as the "Moore College Bursary Trust" of which the Council is trustee established by a Deed of Trust dated 18 July 1906 and held upon the trusts set forth in that deed.

SCHEDULE 12
(Cakebread Memorial Fund)

The Fund known as the "Cakebread Memorial Fund" of which the Council is the trustee established by the gift of a sum to be held upon trust to apply the income in providing a prize for the man who secures the highest place in the final examination for the Th.L. Diploma.

SCHEDULE 13
(Anne Cash Scholarship)

The Fund known as the "Anne Cash Scholarship" of which the Council is the trustee established by the Will of the late Annie Winifred Cash to provide scholarships for the purpose of encouraging and assisting the study of theology to be awarded annually to male students of the College selected and nominated by the Principal of the College in accordance with the conditions and provisions set forth in the said Will.

SCHEDULE 14
(E.F.N. Cash Scholarship)

The Fund known as the "E.F.N. Cash Scholarship" of which the Council is the trustee held upon trust (inter alia) to provide scholarships to be awarded to students enrolled at the College.

SCHEDULE 15
(Frank and Elizabeth Cash Scholarship)

The Fund known as the "Frank and Elizabeth Cash Scholarship" of which the Council is the trustee established by the Will of the late Edward Francis Nicholson Cash to provide 6 scholarships to be awarded annually at the sole and absolute discretion of the Principal of the College and his successors in accordance with the conditions and provisions set forth in the said Will.

SCHEDULE 16
(John Francis Cash Scholarship)

The Fund known as the "John Francis Cash Scholarship Fund" of which the Council is the trustee and held upon trust to provide a scholarship to be awarded annually at the absolute discretion of the Principal of the College and his successors.

SCHEDULE 17
(Clapson Bursary)

The Fund known as the "George Frederick Clapson Memorial Bursary Fund" of which the Council is the Trustee established by a gift of a sum to be held upon trust to provide a bursary for a student at the College.

SCHEDULE 18
(Linda Crawford Scholarship)

The Fund known as the "Linda Crawford Scholarship" of which the Council is the Trustee held upon trust to make awards to one or more students of the College to pay College fees and/or accommodation, such students to be selected by the Principal of the College with preference given to:

- (a) overseas students with financial difficulties, and
- (b) Australian students in need of financial assistance who are in the second or later year of a course of 3 or more years duration.

SCHEDULE 19
(D'Arcy Irvine Lectureship)

The Fund known as the "D'Arcy Irvine Lectureship" of which the Council is the Trustee.

SCHEDULE 20
(F.B.H. Dillon Memorial Bursary)

The Fund known as the "F.B.H. Dillon Memorial Bursary" of which the Council is the trustee held upon trust to provide a bursary from the income therefrom to a student of Moore Theological College chosen (inter alia) as follows:-

- (1) The bursary to be given to a student of Moore Theological College who entered the College from St Clement's Parish, Mosman.
- (2) If there is no student in the College who entered from St Clement's Parish, Mosman, the Principal or his representative shall confer with the Rector and Churchwardens of St Clement's Church, Mosman to select a suitable person, preference being given to a person who has had some connection with St Clement's Parish Mosman.
- (3) If there is more than one student from St Clement's Parish, Mosman in the College preference shall be given to a man in the senior year at the College or if two or more men are in the same year, preference shall be given to the eldest of the men concerned.
- (4) In paragraphs (1), (2) and (3), "student" means a theological student who has applied or intends to apply for ordination within the Anglican Communion.

SCHEDULE 21
(George T. Earp Scholarship)

The Fund known as the "George T. Earp Scholarship" of which the Council is the trustee held upon trust to be applied by the College in establishing and maintaining out of the income thereof a scholarship or scholarships to be called "The George Thorold Earp Scholarship" to be awarded annually at the discretion of and as decided by the Governing Body of the College to persons studying for Holy Orders in the Ministry of the Church of England in Australia and who are students of the College.

SCHEDULE 22
(Gledhill Memorial Prize)

The Fund known as "The P.K. and L.E. Gledhill Memorial Prize Fund" of which the Council is the trustee established by a gift of a sum to be held upon trust to provide an annual prize for a student enrolled at Moore Theological College for Australian Church History.

SCHEDULE 23
(Nathaniel Jones Fund)

The Fund known as "Nathaniel Jones Fund" of which the Council is the trustee held upon trust to provide out of or by means of the income thereof one or more scholarships or bursaries for deserving accepted candidates for ordination in the Diocese to be known as "Canon Nathaniel Jones Bursaries" the said scholarships or bursaries to be provided at such intervals of time and for such periods and to be of such value as the Council shall in its discretion determine having regard to the income available for the purpose and to be awarded to such accepted candidates at the College and in respect of such subjects or studies or the full course of study at the College and generally upon such terms and conditions as the Council shall in its discretion determine.

SCHEDULE 24
(R & M Moffatt Scholarship Fund)

The Fund known as the "R & M Moffatt Scholarship Fund" of which the Council is the trustee held upon trust set forth in the Will of the late Richard Arthur Moffatt, namely, for the purpose of founding a scholarship to be known as the "R & M Moffatt Scholarship" to be given from year to year to such candidates as shall be adjudged to be the most fit and proper to receive the same upon the result of an examination in "Church History" applicable to that part of the study course of the Licentiate of Theology for that year confined to such students as are then students of the College and who return to the College following the said examinations with the intention of completing the study course and who do not already hold another scholarship at the College.

SCHEDULE 25
(Dorothy Mowll Memorial Prize)

The Fund known as the "Dorothy Mowll Memorial Prize" of which the Council is the trustee established by a gift of a sum to be held upon trust for a prize for a student enrolled at the Moore Theological College to be awarded at the discretion of the Principal of the College.

SCHEDULE 26
(R.H. Mullens Fund)

The Fund known as the "Rosalie Honoria Mullens Fund" of which the Council is the trustee established by the Will of the late Rosalie Honoria Mullens and held upon trust to provide a scholarship for students at the College.

SCHEDULE 27
(HRL Nixon Fund)

The Fund known as the "HRL Nixon Fund" of which the Council is the trustee established by a gift of a sum to be held upon trust to pay the income therefrom as a scholarship for the organist of the Moore Theological College.

SCHEDULE 28
(James Montague Sandy Bursary)

Part 1

The Fund known as the "James Montague Sandy Bursary" of which the Council is the trustee established by a gift of a sum to be held upon trust to provide a scholarship or scholarships, bursary or bursaries, tenable for three (3) years of approximately but not exceeding One Hundred Dollars (\$100) per annum in each case and in aid of students of the College pursuing their theological course through the College or, at the discretion of the Trustees by and in aid of students of the College, taking the Arts Course at the University of Sydney.

Part 2

Upon trust for the purpose of providing scholarships to be awarded by the Council to persons enrolled at the College of such amounts as the Council may determine from time to time generally or in relation to any particular case.

SCHEDULE 29
(Canon David Sherris Fund)

Part 1

The Fund known as the "Canon David Sherris Fund" of which the Council is the trustee established by a gift of a sum to be held upon trust to purchase books for a needy student with preference for a student from the Diocese of Goulburn.

Part 2

Upon trust for the purpose of providing books or scholarships to persons enrolled at the College of such amounts as the Council may determine from time to time generally or in relation to any particular case.

SCHEDULE 30
(William and Mary Ann Vitnell Bursary)

Part 1

The Fund known as the "William and Mary Ann Vitnell Bursary" of which the Council is trustee held upon the trust set forth in the Will of the late Dorothy Alethea Beatrice Morris.

Part 2

Upon trust for the purpose of providing scholarships to be awarded by the Council to persons enrolled at the College of such amounts as the Council may determine from time to time generally or in relation to any particular case.

SCHEDULE 31
(Rebecca Watkins Scholarship)

Part 1

The Fund known as the "Rebecca Watkins Scholarship" of which the Council is the trustee held upon trust to establish a scholarship or scholarships to enable and/or assist young men wishing to enter the ministry and who have not sufficient moneys to complete their studies, such scholarships to be awarded at such intervals and be held and enjoyed for such period and upon such terms and conditions as the Council shall from time to time prescribe.

Part 2

Upon trust for the purpose of providing scholarships to be awarded by the Council to persons enrolled at the College and who are candidates for ordination of such amounts as the Council may determine from time to time generally or in relation to any particular case.

SCHEDULE 32
(Thomas Watson Reading Prize)

The Fund known as the "Thomas Watson Reading Prize" of which the Council is the trustee established by a gift of a sum to be held upon trust to provide prizes to be awarded each year to third year students at Moore Theological College on the result of an oral examination held in the third term.

MOORE THEOLOGICAL COLLEGE SCHOLARSHIPS AND ENDOWMENTS ORDINANCE 1991

**SCHEDULE 33
(Henry C. Wisdom Prize)**

The Fund known as the "Henry C. Wisdom Prize" of which the Council is the trustee established by a gift of a sum to be held upon trust (inter alia) for a prize for a contribution to Evangelical Theology written by a graduate of Moore Theological College.

**SCHEDULE 34
(Wollongong Rural Deanery Bursary Fund)**

The Fund known as the "Wollongong Rural Deanery Bursary Fund" of which the Council is the trustee held upon trust to provide a bursary.

**SCHEDULE 35
(L.L. Worley Bursary Fund)**

The Fund known as the "L.L. Worley Bursary Fund" of which Permanent Trustee Company of New South Wales Limited is the trustee established by the Will of the late Lucy Louisa Worley and held upon the trust set forth in that Will.

**SCHEDULE 36
(William S. Ziele Bursary)**

Part 1

The Fund known as the "William S. Ziele Bursary" of which the Council is the trustee established by a bequest made pursuant to the Will of the late William Steward Ziele and held upon trust to provide a bursary for a student at Moore Theological College.

Part 2

Upon trust for the purpose of providing scholarships to persons enrolled at the College of such amounts as the Council may determine from time to time generally or in relation to any particular case.

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

**E.D. Cameron
Deputy Chairman of Committees**

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of September 1991.

**W.G.S. GOTLEY
Secretary**

I ASSENT to this Ordinance.

**DONALD ROBINSON
Archbishop of Sydney
30 / 9 / 1991**