

DIOCESE OF ARMIDALE

ADELAIDE ARNDELL FORSTER ADMINISTRATION ORDINANCE 1982

No.1 of 1982

WHEREAS by Clause 3(a) of her Will dated 22nd June 1949 (which clause is reproduced in the first part of the First Schedule hereto) Adelaide Arndell Forster gave and bequeathed certain real estate known as “Rymbosa” to her Trustee upon trust to allow the same to be used as the residence of an Anglican clergyman as a Chaplain in the Diocese of Armidale under the Trusts of the said Will contained

AND WHEREAS by Clause 8(e) of her said Will (which clause is reproduced in the second part of the First Schedule hereto) the said Adelaide Arndell Forster established a fund to maintain a permanent Chaplaincy in the Diocese of Armidale (called “The F R White Chaplaincy”) to be used for the appointment of a clergyman whose duty it was to relieve Anglican clergyman in the Diocese to enable them to take holidays from time to time and to do such other work as the Bishop for the time being of the Diocese should direct

AND WHEREAS by Clause 8(f) of her said Will (which clause is reproduced in the third part of the First Schedule hereto) the said Adelaide Arndell Forster established a fund to maintain “Rymbosa”

AND WHEREAS pursuant to the provisions of The Church of England Trust Property Act 1917 Perpetual Company (Limited) as Trustee of the Will of the said Adelaide Arndell Forster transferred to the Corporate Trustees of the Diocese of Armidale the assets devised and bequeathed as referred to in the said Schedule henceforth to be held by the Corporate Trustees pursuant to the trusts of the said Will

AND WHEREAS the lands comprising the real estate “Rymbosa” are particularized in the Second Schedule hereto

AND WHEREAS for many years “Rymbosa” was used as a residence of the joint Chaplain to the New England Girls School and the University of New England and until recently was used as a residence for the Chaplain to the said University but not as a residence for a relieving clergyman

AND WHEREAS the F R White Chaplaincy has for many years been used in providing stipend and other general expenses necessary in maintaining the Chaplain to the said University

AND WHEREAS the Diocesan Council has decided that it is more convenient to house the Chaplain to the said University at a site closer to the said University

AND WHEREAS it is inexpedient to observe completely the said Trusts of the said Will of the said Adelaide Arndell Forster

The Synod of the Diocese of Armidale assembled pursuant to the powers conferred upon it by the constitution for the management and good government of the Anglican Church of Australia within the State of New South Wales ordains and rules as follows:-

1. That pursuant to the power conferred on a Synod by Section 32 of The Church of England Trust Property Act 1917 the Synod of the Diocese of Armidale declares:-
 - (a) That it is of the opinion that it is inexpedient to carry out the Trusts of the Will of the said Adelaide Arndell Forster as set out in the said First Schedule
 - (b) That the Corporate Trustees shall henceforth hold the said real estate as particularized in the Second Schedule upon trust to sell the same at such time or times as the Corporate Trustees shall think fit by private contract on such terms as they shall think fit with power to execute all necessary Transfers and Assurances for the purpose of conveying the said real estate to any Purchaser thereof and to add the nett proceeds together with the fund described in the Third Part of the First Schedule to the assets of the F R White Chaplaincy and henceforth to hold the F R White Chaplaincy upon trust from the income derived therefrom to assist in providing a residence for the Chaplain to the University of New England, in providing stipend and other general expenses necessary in maintaining the Chaplain to the said University and to assist in maintaining an ordained ministry within the Diocese of Armidale to such Parishes and Special Districts which from time to time are without an incumbent
2. This Ordinance shall be cited and known as the “Adelaide Arndell Forster Administration Ordinance 1982”.

FIRST SCHEDULE

First Part

I give and devise my house property situated at Garibaldi Allingham and Kentucky Streets Armidale aforesaid and being Allotments Ten and Eleven and part of Allotment Twelve of Section Seventy Two of the City of Armidale together with the appurtenances and with all buildings thereon and all improvements thereto to my Trustee UPON TRUST to allow the same to be used as the residence of an Anglican Clergyman as a Chaplain under the trusts hereinafter declared in Clause 8(e) of this my Will for the establishment of a permanent Chaplaincy in connection with the Diocese of the Church of England at Armidale aforesaid.

Second Part

UPON TRUST to appropriate and hold the sum of FIFTEEN THOUSAND POUNDS (£15000) to provide for the establishment of a permanent Chaplaincy in connection with the Diocese of the Church of England at Armidale aforesaid in memory of my said Father (to be called “the F R White Chaplaincy” to be used for the appointment of a clergyman whose duty it will be to relieve Anglican clergymen in the said Diocese to enable them to take holidays

from time to time and to do such other work as the Bishop for the time being of the said Diocese may direct AND I DIRECT that the nomination and appointment of such clergyman shall be made from time to time by the Bishop of the said Diocese for the time being and that the stipend and other emoluments to be paid from the said sum of Fifteen Thousand Pounds (£15000) to such clergyman shall be such as the Diocesan Council of the said Diocese may in its absolute discretion from time to time determine.

Third Part

UPON TRUST to appropriate and hold a further sum of THREE THOUSAND POUNDS (£3000) UPON TRUST to invest the same in any form of investment authorised by this my Will and to apply the income arising from such investment in the maintenance and upkeep of my house property more particularly described in Clause 3 of this my Will and the appurtenances gardens and grounds forming part thereof AND I DELCARE that the receipt of the Secretary or other duly authorised Officer of the said Corporate Trustees shall be a full and sufficient discharge for my Trustee for all payments made by it to such Trustees in the performance of the trusts set forth in this sub-clause and the preceding sub-clause of this my Will.

SECOND SCHEDULE

All that piece or parcel of land in the City and Parish of Armidale, County of Sandon and being Lot 3 in DP 583989 containing 1498m² being the whole of the land comprised in Certificate of Title Vol 13088 Folio 163.