Archahalis Copy

ROMAN CATHOLIC ARCHDIOCESE OF

SAINT ANDREWS and EDINBURGH.

ENTRAL FUNDS.

OPY.

DEED of DECLARATION of TRUST PURPOSES

Αq

THE MOST REVEREND ANDREW JOSEPH MODOWALD and OTHERS.

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CHARLES GEORGE, S. S.

COPY/ ADJUDICATION 4305 8th NOV. 1934

CENTRAL FUNDS.

tamp 10/-.

THE MOST REVEREND ANDREW JOSEPH McDONALD, Archbishop I. of the Roman Catholic Archdiccese of Saint Andrews and Edinburgh, residing in Edinburgh, and as such Archbishop Ecclesiastical Superior of the said Archdiocese, CONSIDER-ING that certain moveable estate has been acquired by the Archdiocese, or by my predecessors in office or me as Ecclesiastical Superior thereof, on behalf of the Archdio cese for the religious educational and other charitable purposes of the Archdiocese (hereinafter referred to as "The Central Funds") which moveable estate, together with the heritable properties hereinafter referred to constitute the whole properties and assets of the Archdiocese other than properties and assets held upon specific trusts under special trust deeds or titles; CONSIDERING that the Archdiocese owns various heritable properties which were either bequeathed or gifted to the Archdiocese or purchased with its funds and that all such heritable properties are or are to be vested in myself and others as Trustees ex officio for the religious educational or other charitable purposes of the Archdiocese, the trust purposes for which the said properties are held being declared in the respective titles thereto or in separate Declarations of Trust: AND FURTHER CONSIDERING that the Central Funds have hitherto been held in name of the Archbishop, The Treasurer and the Canon Penitentiary of the Archdiocese for the time being in trust on behalf thereof and are at present held in name of/

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of Agenta, Tie Wilt for e clark) del lat distavat source graitestics as a Aronilocese, and that the present, held am applied but without the constitut of any amenific trust in OCHELDERING that it is mi for which the Tentral 'un LATE DOOR ETS to be s a effice equipy Ille delige by du or my successors in ior of the said arab icce ions bereingter antioner arcild te reduced to write . Wengua Cularuet 1801 MHS Var Finak EIE , godalddora AS THER VOE THAT PHO CAR all of the Archetoceac of DIC TORRESTANCE TYLEND OC Central Funds as at Dirty red bas thirty-too re apr such (Buoust) (Seroted be pirillisti ala sides sioda Lytriff; to an ecitifidedi and thirty-two bein conf hereto: (Waird) thet we. as Acquarer" redaiddoth as hole and have blacke held. ery as seecoladera of: to \:.al?.sega

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specified: and (Fourth) that we and our successors in said offices and as such Trustees of the Central Funds shall hold and apply these funds and all additions and accrètions thereto whether obtained or received by way of levy, donation, contribution, bequest or otherwise, and the whole income and revenue therefrom (it being, however, expressly declared that any additions or accretions however arising which are not to be held and/ or applied for the four purposes hereinafter set forth shall not be accepted or held by the central Fund Trustees) in trust for the following purposes, namely :-(Primo) for the advancement of the Roman Catholic relig-(Secundo) for the advancement of education; (Tertio) for the relief of poverty; and (Quarto) for the cure or alleviation of human sickness or disease; AND WE HEREBY ACKNOWLEDGE and DECLARE that all money goods investments or other estate hereafter acquired by or for or on behalf of the Archâiocese, - excepting (a) heritable property, (b) the proceeds of heritable property which may be sold, where these are or are to be reinvested in heritage, and (c) any money, goods, investments or other estate in respect of which any other specific trust has been or shall be created either by any donor or testator or by me the said The Most Reverend Andrew Joseph McDonald or my predecessors or successors in office as Ecclesiastical Superior foresaid, shall form part of the Central Funds and shall fall under this Trust; it being declared, however, that this deed does not affect the moneys and revenues of individual Missions of the archdiocese, which moneys and revenues are admiristered by the Priests-in-Charge or other local Administrators of the said/

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said Missions for the religious purposes of the church in the various Mission Districts, but all money, investments, goods and other estate (excepting heritage &c. as aforesaid) paid to or received by or on behalf of the Archdioc ese for the benefit of Missions and/or Institutions of or connected with the Archdiocese as a whole shall form part of the Central Funds and shall fall under this Trust; the Central Fund Trustees having power, in the case of money, investments or other estate converted into money, to divide the same among the Missions and/ or religious, educational or other charitable Institutions of or connected with the Archdiocese in such manner and in such proportions as they think proper, or to pay any portion thereof to any individual Mission and/ or such Institution of or connected with the Archdiccese, and that in the case of a Mission by payment to the Administrator thereof for behoof of the Mission AND WE FURTHER DECLARE (First) that the manner in which the Trust Funds shall be expended by the Central Fund Trustees for the purposes foresaid shall be in the sole and absolute discretion of the Central Fund Trustees so long as the primary purposes of the Fund as hereinbefore stated are complied with; that the Central Fund Trustees shall be entitled but not bound to apply the capital as well as the income of the Central Funds to any of the purposes hereby authorised; providing always nevertheless that the central Fund Trustees shall be bound to apply all funds at any time held by them for any specific purpose for such particular $(\underline{\mathtt{Third}})$ that the Central Fund Trustees shall keep full and accurate accounts of all moneys and estate received/

m id "issions for the in moleci esolum mi code ent offer estate sail) poin to or react ese for the basesit of commected with the are of the Central Hands a tan 'entrel Panu Trust and Administral . None to airtae the earle baer in madde so Jamolt some willien, eit ditt beiso proportions as there's Jesti en ten di Sortro len of or connected til chee of a lasion by me ing IT out to hoomed to. that the manner in which on her lander sol to skyll no in the scle an noi or seetaut" no le de eloka mieten as mun m Later Jan Self (pr. 14-3 less of almest as well to the of come letthe providing always nevert 'Tustees shall be hound held by them for any so: that (<u>min</u>) ;esoruna Rest fall as accurate a . De⊤issei received by them and of all payments and investments (Fourth) should any Trust fail because, made therefrom; e.g. provision is made for the matter by legislation, or the persons or objects to be benefited no longer exist, or no longer require assistance, then the funds and estate in the hands of the central Fund Trustees can be applied by them in their discretion but only for religious educational or other charitable purposes of or connected with the Roman Catholic Archdicesse of St. Andrews and Edinburgh: AND WE FURTHER DECLARE that the Central Fund Trustees shall have all requisite powers for carrying out the purposes of this Trust and particularly, but without prejudice to the said generality, the following: (1) to pay the expenses of the constitution and administration of the trust including payment for professional assistance with the right to appoint an Accountant and a law agent and a clerk, treasurer and auditor and to pay (2) to sell or otherwise these suitable remuneration; realise the trust estate or any portion thereof; borrow money on the security of the trust estate or any portion thereof, or to borrow for the purposes of the Trust on the personal obligations of the Trustees without declaring that a receipt giving any security therefor; by the Treasurer of the Archdiocese for the time being, as Diocesan Treasurer, shall be sufficient acknowledgment to lenders, in respect of any sum borrowed by the Central Fund Trustees for the purposes of the Trust; compromise all matters and claims in which the trust estate is interested and/ or to settle the same by arbitration or advice of counsel, and also to accept part for the / .

received by treature of this (Tourth) si made therefrom: e.g. provision is made for t the persons or objects to be or so longer require essists ste in the hunds of the 'ent lied by them in their wisers estimate medic se Immittence with the Fomen Atholia Froh Tales of the Carlotte Lie styl-"Leve westwar" daer said to seavers etc are and although mediated to the all (I) to pay the exponent of (I) ration of the trust including os their our att. sometateca lare a bull die - dlarig fried these nucl vio Terrusamenton; TO Disise issued of callson borrer lossy on the technit; portion thereof, or to beer willo creamer out to taur? iving and according therefor. by the Presenter of the Arci se Diccesen reserver, shel to lendors, in respect of d "und Prustees for the purpo commonise o'l inteers -s TO THE POTEST SET AT BIRT leadann o erry . to soften \$ 50.3

the whole and give time to debtors purchasers and others (5) except where a Testator with or without security; or donor directs otherwise, to retain any investments received though these are not investments authorised for Trustees by law or by the investment clauses of this deed (6) to lend out or invest the whole or any part of the trust estate not only in or upon any investments authorised by law for Trustees but also (a) to lend on such terms and for such period, either as temporary or permanent investments or indefinitely, on heritable or moveable security, by way of first, or postponed, or pari passu charge and in particular to lend to any Mission or Parish of the Archdiocese or to any other Roman Catholic Diocese, or Mission or Parish in Great Britain or Ireland or to any Roman Catholic religious educational or other charitable institution or to any Trustee or Trustees for any religious educational or other charitable purpose in connection with the Archdiocese and that without security upon the receipt and obligation for repayment of the responsible Trustees or Trustee Officials or Official, or to any persons or person in Great Britain without security upon the receipt and obligation of such person or persons, or in such other way and with or without security as the said Trustees in their uncontrolled discretion shall think fit, or to keep the funds or any portion thereof in Bank on Current Account or on Deposit Receipt and that for such time as the Central Fund Trustees in their absolute discretion may think proper, or (h) to purchase or feu such heritable or moveable property as the Central Fund Trustees shall consider proper not only as an investment but also for any purpose authorised by this/

short wait ovi, and slow edt with or ithout scorpit; or donor directs of erwise. t received though these are not roi and yo to bal yo sectant. (6) to lend out or idwest the to al vim ten states from? in a second to say he year turns are los sous period, o 72. De bui to strey factni jus e ,7972) in the ter ,77140000 of thereigh a ad the comments క్షు ఎక్కుల అతిలింది. అనికా ప్రి or Gasics or "waith us he sny kouth nambolio religious f are of to mointailed of as de en Production of the Manager connection, vist the area and upon the receipt one office. ್ರ ಜಕ್ಕಾಣಗಳ ಕಗಳುಬರು ಚಿತ್ರಗ HT MOSZON ZO ALONDON NEW OC ity specification against the obparaers, or in each citier ity as the auto "Fratees in ion easil thing dit, or to thereof in knk on durrent and that for such time as t their absolute discretion: parebase or fea sour terter the finitel fund fructees: es an investment but line ែលជាស្ថ

and (c) without prejudice to the said this Deed; generalities to purchase or lend on - Government Funds of any of the Dominions of Great Britain or of her Indian Empire; Obligations or acknowledgments of debt bearing to be secured over rates or assessments expressed to be levied by authority of any Act, general or special of the Imperial Parliament, or issued by public bodies or trusts, whether county, municipal, parochial or otherwise in Great Britain or Treland; Debentures or deposit receipts of companies (including Banks) incorporated by any Act, general or special of the Imperial or other Legislature, of Great Britain or Ireland or registered under the Companies Acts of the Imperial or other such Legislatures, and earrying on business, or having an office or agency, in Great Britain; Debenture stock, or preference or guaranteed stock or preference share of said incorporated or registered companies; Life Assurance Policies upon the life of any priest in the said Archdiocese and to take out Life Assurance Policies (either whole life or any other plan of policy) upon the life of any priest in the said Archdiocese and to pay the premiums thereon, and to assign all such policies in security of any debt at present due or which may hereafter become due by the central Fund Trustees, or to surrender or otherwise realise any such Policies: DE-CLARING that the whole sums due and to become under all such policies shall form part of the Central Funds; (d) to call up, sell, realise, alter, vary or renew the investments held by them at such time as may seem to them expedient and that either by public roup or private bargain/

mad (a) without or this Deed; generalities to parcasse or lend of any of the pominions of these Indian Sapire; Obligations or s bearing to be secured over rates to be levied by suthority of an of the Esperial Carlia sent, or trusts, whether county, sautein in Great writate or Ireland; I receipts of consense (includit any Met, general or a scial of legislature, of breat Britain : ander the companies hets of the Legial tures, and carrying on office or adensy, in treat fri nreference of a rateer stock said imeorposeted on registers a see Polician week the life or Archilosese am lo take out ... (either whole life or any tin life of cry priest in the sai G. Dis Montell enuitoric elle nature de 166 men la villa coa titles edg vi er sammes meile miner soluted to represent sins stiff out ted four fall age audi rolidies shall form ner to call un, coll, real, e, a vestients nels by trampst on exercisest col that liker by Sait TEG

bargain; (7) to grant leases of any duration of any heritable property held by them and also to feu and enter into Contracts of Excambion; and (8) at any time to pay and convey the whole trust estate or any part thereof to any Trustee or body of Trustees acting in any trust at present existing or which may hereafter be constituted or any Institution, Corporation or Company, having the same purposes as those herein contained or similar charitable purposes or having purposes which fall within the scope of the purposes of this Trust, but subject always to the whole liabilities of the Trust, or of the part thereof pertaining to the Assets or Trust Funds made over; DE-CLARING, however, that it shall not be lawful for the Central Fund Trustees to make over funds or estate gratuitously to any Trustees or Trustee, Institution, Corporation or Company, unless it is plain that these shall continue to be held and applied for religious educational or other charitable purposes only; AND the said Trustees! shall also have all the powers whether hereinbefore particularly specified or not specified in Section four of the Trusts (Scotland) Act 1921; AND WE hereby FURTHER DECLARE that the Central Fund Trustees shall be entitled to the fullest powers privileges and immunities usually conferred in such cases and according to the most liberal interpretation and particularly (but without prejudice to the said generality) they shall be bound only to act honourably and they shall not be liable for omissions or errors, or to do diligence further or otherwise than as they think fit and each for his own actual personal intromissions only, and not for any funds which he may have authorised a co-trustee factor or agent to receive; and/

bergsin; (7) to grant reases of heritable property held by them late featracts of Excembion; am and commay the cholestrust esta any Crustee or tody of Crustees present existing or which they in eng institution, Corporation of purvosee as those hersin contai purposes or naving purposes whi of the pur oses of this Trust. whole liabilities of the drust. pertaining to the Assets or "In LARIED, however, that it shall e exar. or seetsur's buy clariner gitonaly to any Trustees or Fr stion or company, unless it is continue to be held and applie or other charitable surnouse c even sit ils even osin ilens particularly aposition or not of the Trusts (Scotland) Act I DACLARE that the central Pund to the fullest powers privile, conferred in such cases and a interpretation and particular the said samerality; they sha honourably and they shall not errors, or to alligence in they thick lit end each for h intromissions only, who not a have subbortsed a co-twar.e

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and any trustee who shall pay over to a factor or agent or shall do or concur in any act enabling such factor or agent to receive any moneys for the general purposes of the Central Fund Trust or for any definite purpose, shall not be responsible for any loss resulting from his failure to see to the due application of the funds entrusted to such factor or agent; and the Central Fund Trustees shall not be liable for any loss or depreciation happening to the Trust by or through the insufficiency or deficiency of any property, security or investment or any defect of title of property acquired by or belonging to the Trust Estate, or in or upon which any funds of the Trust Estate shall be invested, nor for the insolvency or default of debtors or securities given by them or of purchasers or others, nor for any loss, depreciation or deficiency whatever which shall happen through their actings or omissions or default, or in any way whatever, unless such loss depreciation or deficiency shall happen through their own actual wilful fraud; AND WE HEREBY DECLARE (a) If at any time only one of the Trustees is capable of acting by reason of the other Trustees being abroad or being physically or otherwise unfit to act at the time, such single Trustee shall have full power to act alone; (b) that persons transacting with the central Fund Trustees shall have no concern with the purposes of this Trust nor with the application of any money paid to the Central Fund Trustees; all such persons being in all respects fully exonered and discharged by the receipts discharges or other deeds or writings to be granted by the Central Fund Trustees, a receipt by the Treasurer of the Archdiocese for the time being as Diocesan Treasurer being/

and any treatee who shall may or or shall it or conqur in any act agent to receive any caeps for the dentisl that whist or lor at not be mer wonelble for a milese In see to the due were to its to auch flator or agout; and t shall not be liable for any los ing to the Irmst by or throws idency of any property, separt defect of title of property ac the Trust state, or in or ugor letarymi of liera earth: taugr driveles to etoids) to disched rurchestes or others, nor for defloiency whatevor wich thel setimes or paisatons or defaul unless and loss degresiation throash their own actual wilfi DEGLISS (a) If at any time on ospeble of souid, by resect of sbroad or being physically or the time, such single 'rustes cot alono; (b) that persons t runi rustees shall have no c this was nor with the ardi the centrel und rustees; al resideth Isliy exonered and f discherges or other deeds or the central day rustees, a the archaloosse for the time bêin€′

being a sufficient acknowledgment to debtors and others making payments to the said Trustees; (c) a certificate signed by the Archbishop of the said Archdiocese for the time being shall be conclusive evidence of the names and offices of any persons acting in the Trust or on behalf of the Trustees: and we declare that the Trust shall be known as "The Roman Catholic Archdiocese of Saint Andrews "and Edinburgh Central Funds Trust": and we consent to registration hereof for preservation: IN WITNESS WHEREOF these presents consisting of what is contained on this and the six preceding pages are together with the Schedules annexed subscribed by us the said The Most Reverend Andrew Joseph McDonald, The Right Reverend John Forsyth and The Right Reverend Patrick Birnie as Trustees foresaid, all at Edinburgh on the Twenty-fifth day of October in the year Nineteen hundred and thirty-four before these witnesses the Reverend Peter Higgins, Roman Catholic Clergyman, Saint Cuthbert's, Slateford Road, Edinburgh, and the Reverend John McKee, Roman Catholic Clergyman. Catholic Church, Broxburn.

(Signed).

Peter Higgins, Witness.
John McKee, Witness.

x A. J. McDONALD.
J. FORSYTH.

PATRICK BIRNIE.

SCHEDULE

veing a sufficient aekoomledmen mail dark add to student dailed signed by the Architano, of the time being shall be conclusive of thicks so care great section of the Trustees; and we reclas knows as "the losses Cathoric As "and Edinburgh isobral backs " registration hereof for preser these presents consisting of w and the six preceding pages ar ales annexed subscribed by us Andrew Joseph McDomile, The al Collins of Deputh defall and Das eard, all at adinburgh on the the the year lileteen but didd . witnesses the Reverend Later Slergysen, Saint Cathhert's, and the Reverend John McKee. Catholic Church, Brexhurn.

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SCHEDULE No. 1 REFERRED TO.

STATEMENT of ASSETS of the CENTRAL FUNDS TRUST at 31st. December 1932.

INVESTMENTS:

£1,468. -. 6d. New South Wales $6\frac{1}{2}\%$ Inscribed Stock 1930/40.

£3,002. -. 10d. India 3% Stock.

LOANS to MISSIONS etc. .. £48,606.18.2.

SUNDRY DEBIT BALANCES 143. 1. 8.

CASH :

In Bank on Deposit Receipt and Current Account. .. 8,849.13. 7.

£ 57,599.13.5.

SCHEDULE /

SORIDALIA NO.

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21,456. -. 56. New Stook 1930/40.

PER, 002. - . 100. Indi

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II. No. SCHEDULE

STATEMENT of LIABILITIES of the CENTRAL FUNDS TRUST at 31st. December 1932.

LOANS from MISSIONS, SPECIAL FUNDS TRUST DEPOSITS

£ 37,251. -etc.

2,786.14.11. SPECIAL COLLECTIONS, NOT REMITTED ...

SUNDRY CREDIT BALANCES:

2,870.19 ---Deposit and Sundry Mission Balances ..

SPECIAL FUNDS TRUST:

Amount due in respect of Revenue Balances and Uninvested Capital. 9,303.10. 1.

£ 52,212. 4.

Note: There may be a liability on the Fund
in respect of money borrowed on the security of Heritages or Superiorities which are not included in the Assets of the Fund because a frust is declared in the title to the property.

INGLINE

SCOTTISH CATHOLIC ARCHIVES

Keeper Dr Christine Johnson COLUMBA HOUSE 16 DRUMMOND PLACE EDINBURGH EH3 6PL Telephone (031) 556 3661

I attest that this is a photocopy of the original lawyer's copy Adjudication of 1934 - Deed of Declaration of Trust Purposes Fet Central Funds of the Archdiouse of St Andrews of Edinburgh.

Chrotine) Johnson.

Keeper

19-8-1997.