

Archdiocesan Copy

ROMAN CATHOLIC ARCHDIOCESE of
SAINTE ANDREWS and EDINBURGH.

CENTRAL FUNDS.

COPY.

DEED of DECLARATION of TRUST
PURPOSES

by

THE MOST REVEREND ANDREW JOSEPH
McDONALD and OTHERS.

1939.

Edm. M.M.

CHARLES GEORGE, S.S.C.

COPY/

ADJUDICATION

4305

8th NOV. 1934.

CENTRAL FUNDS.

Stamp 10/-.

I, THE MOST REVEREND ANDREW JOSEPH McDONALD, Archbishop of the Roman Catholic Archdiocese of Saint Andrews and Edinburgh, residing in Edinburgh, and as such Archbishop Ecclesiastical Superior of the said Archdiocese, CONSIDERING 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 Archdiocese 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; AND FURTHER 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/

of myself, The Right Reverend John Forsyth and The Right Reverend Patrick Birnie as Archbishop, Treasurer and Canon Penitentiary foresaid, and as such Trustees for the Archdiocese, and that these have always been, and are at present, held and applied for the purposes aftermentioned, but without the constitution or declaration in writing of any specific trust in respect thereof: AND FURTHER CONSIDERING that it is right and proper that the purposes for which the Central Funds have been and are held and have been and are to be applied, and the purposes for which all future estate acquired by the Archdiocese, or by me or my successors in office as Ecclesiastical Superior of the said Archdiocese, (but subject to the exceptions hereinafter mentioned) are to be held and applied should be reduced to writing; THEREFORE WE the said THE MOST REVEREND ANDREW JOSEPH McDONALD, Roman Catholic Archbishop, THE RIGHT REVEREND JOHN FORSYTH, Treasurer, and THE RIGHT REVEREND PATRICK BIRNIE, Canon Penitentiary all of the Archdiocese of Saint Andrews and Edinburgh, DO HEREBY ACKNOWLEDGE and DECLARE (First) that the said Central Funds as at Thirty-first December Nineteen hundred and thirty-two are specified in SCHEDULE No. 1 annexed hereto: (Second) that these funds are subject to the whole debts and liabilities affecting the same - the liabilities as at Thirty-first December Nineteen hundred and thirty-two being specified in SCHEDULE No. 11 annexed hereto: (Third) that we, and our predecessors in office as Archbishop Treasurer and Canon Penitentiary foresaid hold and have always held, and applied the Central Funds of the Archdiocese as Trustees for the purposes after specified:/

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 accretions 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 religion; (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 Archdiocese, - 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 administered by the Priests-in-Charge or other local Administrators of the said/

received by them and of all payments and investments made therefrom; (Fourth) should any Trust fail because, 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 Archdiocese 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 these suitable remuneration; (2) to sell or otherwise realise the trust estate or any portion thereof; (3) to 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 giving any security therefor; declaring that a receipt 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; (4) to 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 / .

the whole and give time to debtors purchasers and others with or without security; (5) except where a Testator 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 (b) 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/

this Deed; and (c) without prejudice to the said 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 Ireland; 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 carrying 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: **DECLARING** that the whole sums due and to become ^{/due} 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/

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; DECLARING, 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 intrusions only, and not for any funds which he may have authorised a co-trustee factor or agent to receive; and/

RESTRICTION - DOES NOT ALLOW INVESTMENT IN ORDINARY STOCKS & SHARES.

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 exonerated 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/

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 fore-said, 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.

(S i g n e d).

Peter Higgins, Witness.

John McKee, Witness.

{ x A. J. McDONALD.
 { J. FORSYTH.
 { PATRICK BIRNIE.

SCHEDULE

SCHEDULE No. 1 REFERRED TO.

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

INVESTMENTS :

£1,468. --. 6d. New South Wales 6½% 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.

VERIFIED

SCHEDULE /

SCHEDULE No. II.

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

LOANS from MISSIONS, SPECIAL FUNDS TRUST DEPOSITS

etc. £ 37,251. --

SPECIAL COLLECTIONS, not REMITTED .. 2,786.14.11.

SUNDRY CREDIT BALANCES:

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

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 Trust is declared in the title to the property.

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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 re Central Funds of the Archdiocese of St Andrews + Edinburgh.

Christine J Johnson.

Keeper

19-8-1997.