

26 MAR 1968

226 278

This Declaration of Trust made the

Stamp 10s.
And
Adjudicated.

twenty fifth day of July One thousand nine hundred and thirty-six
BY THE RIGHT REVEREND THOMAS LEONARD Abbot of Belmont
in the County of Hereford THE REVEREND WILLIAM SWEENEY
THE REVEREND OSWALD MAXWELL and THE REVEREND ANTHONY
WACKRILL all of Belmont Abbey aforesaid Clerks in Holy Orders
WITNESSETH AND IT IS HEREBY DECLARED as follows:—

1. IN this Deed and in the regulations hereinafter mentioned and in any document expressed to be supplemental hereto unless the contrary appears and where the context allows:—

(A) "The Controller" shall mean the person who for the time being is described and known by and among persons professing the Roman Catholic religion as the Abbot of Belmont.

(B) "The Trustees" shall mean the persons executing this Deed and the survivors and survivor of them and the executors or administrators of such survivor or other the Trustees or Trustee for the time being hereof.

(C) "The Trust Property" shall mean the hereditaments described in the First Schedule hereto (all of which are now or are about to be vested in the Trustees hereinbefore named in fee simple in possession or for the residue of the term of years therein subsisting as the case may be free from incumbrances subject only as mentioned in such Schedule and all of which were acquired and have been ever since consistently held by the Trustees and their predecessors in title for the charitable purposes hereinafter mentioned) and shall include all hereditaments which may from time to time become vested in the Trustees for the general purposes of the trust whether arising from donations devises or any other source or purchase by the Trustees.

"The Trust Investments" shall mean the investments mentioned in the Second Schedule hereto now standing in the joint names of or held on behalf of the Trustees hereinbefore named and constituting or representing a fund for some considerable time past held for the like charitable purposes and shall include all further money and investments which may from time to time be received by or on account of the Trustees for the general purposes of the trust whether arising from subscriptions donations bequests or the Trust Property or any other source or by purchase or change of investments.

2. THE Trustees do and shall stand possessed of the Trust Property and the rents profits and income thereof and of the Trust Investments and the income thereof UPON TRUST to use and apply the same respectively both as to capital and as to income for all or such one or more exclusively of the others or other of the purposes hereinafter mentioned (so far as charitable) as the Trustees with the consent of the Controller in their absolute discretion shall from time to time think fit (that is to say):—

A. As to the Trust Property—

(1) As churches and chapels for the celebration of Divine Worship according to the rites and ceremonies of the Roman Catholic Church:

(2) As cemeteries for the burial of such Roman Catholics and other persons as permitted by the Trustees:

(3) As presbyteries or houses or as houses with gardens and grounds attached thereto for the residence of the priests attached to any such churches or chapels:

(4) As parish rooms and halls in connection with any such churches or chapels:

(5) As houses of study colleges or seminaries for the education and training of priests and persons desirous of becoming priests of the said Church:

Examined in the original
at our office this 30th

April 1949

Wells, Skues & Graham Smith

WELLS, SKUES & GRAHAM SMITH,

84, ESSEX STREET, STRAND,

LONDON, W.C.2.

(6) As schools and colleges and educational establishments for the general education religious and secular or religious or secular of children and other persons :

(7) As houses of residence for teachers and students in any such houses of study schools colleges establishments and seminaries as aforesaid :

(8) As homes for infirm and aged priests and clerics of the said Church being in the opinion of the Trustees without adequate means of support and for infirm and aged poor members of the said Church :

(9) As hospitals and sanatoria primarily for poor members of the said Church and for other poor persons :

(10) As gardens and grounds in connection with any such institution as aforesaid :

(11) As sites for any of the works carried on by the Trustees under the powers conferred by this Deed :

(12) For such other charitable purposes whether or not directly connected with the said Church as the Trustees in their discretion with the consent of the Controller shall from time to time think fit.

B. As to the Trust Investments and the income thereof and the rents profits and income of the Trust Property—

(1) The maintenance and carrying on of the religious services of the said Church in such churches and chapels as aforesaid :

(2) The maintenance and upkeep of the institutions now existing and for the time being established under the trusts hereof :

(3) The acquisition of sites or land for and of ground to be held with buildings or other purposes aforesaid and the erection restoring altering enlarging maintaining repairing and equipment of any buildings for any such purpose and the laying out maintenance and upkeep of gardens and grounds in connection with any such buildings :

(4) The payment of stipends to priests of the said Church and of salaries and wages in connection with any such institutions as aforesaid :

(5) The provision of necessary holidays and rest for priests and clerics of the said Church being in the opinion of the Trustees without adequate means :

(6) The relief of poor persons professing the Roman Catholic religion or nearly related to priests or clerics of the said Church and other poor persons :

(7) The maintenance and support and the provision of medical and surgical aid for infirm and aged priests and clerics of the said Church and the burial of deceased priests and clerics of the said Church contributions under this sub-clause being made only in respect of persons whose means are in the opinion of the Trustees inadequate :

(8) The education and training of priests and persons desirous of becoming priests of the said Church by such means as the Trustees think fit and in particular by making contributions towards the maintenance and upkeep of houses of study colleges and seminaries in Great Britain or abroad :

(9) The development of any part of the Trust Property and the maintenance of any works for the time being carried on thereon under the powers hereof :

(10) The making of donations or subscriptions to any charitable institution trust or organisation for Roman Catholic purposes in Great Britain or abroad or direct to any bishops abbots or priests engaged in any such work or to other

institutions or organisations where necessary or proper in the carrying on of any charitable institution or work carried on by the Trustees :

(11) Generally any such charitable purpose or purposes approved by the Controller as in the opinion of the Trustees is or are conducive to the advancement or maintenance of the Roman Catholic religion or other charitable purposes whether or not in connection with the said Church.

3. ALL charitable works of whatever nature carried on for the time being hereunder shall be subject to the absolute control of the Controller and shall be carried on under and in accordance with his directions in all respects and all statutory and other powers vested in the Trustees shall be exercisable only with his consent but no purchaser lessee mortgagee or other person dealing for money or money's worth shall be concerned to see or enquire whether such consent has been given.

4. THE Trustees may (in addition to their statutory powers) from time to time at the request of the Controller raise any money required for any of the purposes aforesaid on the security of any hereditaments investments or other property subject to the trusts hereof and make any arrangements with respect to subsisting charges or incumbrances as they may think fit and no mortgagee or chargee shall be concerned to see or inquire as to whether the Controller has requested the money to be raised or as to the application of the money or whether the money is wanted or that no more than is wanted is raised.

5. ANY property money or investments in the hands of the Trustees which have been or may hereafter be paid transferred or deposited to or with the Trustees for some special religious or other charitable purpose and the rents profits and income thereof shall be applied in accordance with the directions (if any) of the person or persons paying transferring or depositing the same or the terms or trusts on which the same were received.

6. THE Trustees may with the consent of the Controller allocate or investments for the time being vested in them to any Roman Catholic Parish or Mission District so that the same may be held applied and disposed of primarily for the purposes aforesaid or some of them in connection therewith and so that any such allocation may be revoked by the Trustees at any time with the consent in writing of the Controller and of the Bishop or Vicar Capitular of the Roman Catholic Diocese comprising the parish or district concerned but no purchaser lessee mortgagee or other person shall be concerned to see or inquire whether such consents have been given.

7. AS regards any part of the Trust Property now or at any time used as a public elementary school and so long as so used nothing shall be done in respect thereof which shall be inconsistent with the Acts relating to elementary education for the time being in force but the religious doctrines and practices to be taught and observed in any such school shall in all respects be according to the principles and subject to the regulations and discipline of the Roman Catholic Church and the Trustees shall have power from time to time with the consent of the Controller to appoint managers (including any of themselves) and to revoke any such appointment and all other powers in relation to such schools which may be requisite under the said Acts or any regulations of the Board of Education or a local education authority.

8. AS regards the investments mentioned in the Second Schedule hereto and any other investments which shall hereafter become vested in them the Trustees shall either allow the same to remain in the present state of investment thereof or in the state of investment in which the same may be at the time of the acquisition thereof so long as they in their discretion shall think fit or shall at such discretion (with the consent of the Controller) sell call in and convert the same into money and invest the net proceeds of such sale calling in and conversion and any other money in their hands not immediately required for the purposes aforesaid and whether capital or income in the names or under the control of the Trustees in or on any investments for the time being authorised as

investments for trust money or on the security of real or leasehold hereditaments in Great Britain or abroad (whether by way of registered charge or otherwise or subject to incumbrances or not) or in the purchase of any such real or leasehold hereditaments as aforesaid or in the purchase of any rent-charges or of any freehold or leasehold ground rents and also in or on the stock shares or securities (whether payable to bearer or not) of any British dominion colony state or dependency or any province thereof or any foreign government or state or of any municipal corporation power gas electric light harbour or local authority in Great Britain or in any British dominion colony state or dependency and also in or on the bonds mortgages debentures or debenture stock or guaranteed or preference or ordinary stock or shares (whether payable to bearer or not) of any company public or private incorporated in the United Kingdom or any British dominion colony state or dependency under the Companies Acts or under any special Act of the Imperial Parliament or any colonial or provincial legislature or Royal Charter and whether trading or otherwise carrying on business in Great Britain India or any British colony state or dependency or elsewhere and may at such discretion as aforesaid from time to time vary such investments into any other or others of a like nature PROVIDED ALWAYS that in the case of any property intended to be used as a seminary school house of study or other charitable institution the Trustees may concur with other persons in the acquisition thereof and in the vesting of the same in the names of one or more of the Trustees jointly with representatives of such other persons and may make such arrangements for the management thereof as they may think fit.

9. IT shall be lawful for the Trustees with the consent of the Controller to transfer all or any property money or investments for the time being vested in them to the Bishop of any Roman Catholic Diocese in Great Britain or any body of trustees for the purpose of being applied for any of the charitable purposes authorised by these presents and the receipt of such Bishop or body of trustees or of a person purporting to be duly authorised by such Bishop or body of trustees in receipt for the same shall be a complete discharge to the Trustees for the money or investments so transferred and the Trustees may on any such transfer at the request of the transferee or transferees by deed with the concurrence of the Controller nominate some person holding a specified office and his successors in such office to hold and exercise in respect of the transferred property all the rights and powers hereby vested in the Controller and thereafter this Deed shall have effect as regards the transferred property as if the Controller had been herein defined as the holder for the time being of such specified office.

10. THE Trustees shall be entitled with the consent of the Controller to establish and carry on as subsidiary to and for the direct benefit of any institution established or taken over by them hereunder all such works and undertakings as they may think proper in connection with any such undertaking and to employ and pay in regard to any such works and undertakings such managers clerks and workmen as they may consider necessary and generally to make such arrangements for the supply of necessary services to any such institution as aforesaid as they may think advisable and all expenses of or relating to any such works and undertakings may be discharged out of the Trust Investments or the income thereof and any profit arising therefrom shall be deemed to be part of such income PROVIDED that nothing herein contained shall be deemed to authorise the application of the Trust Investments or any income thereof for any work not of a charitable nature or character.

11. THE Trustees may with the consent of the Controller employ any necessary or proper officers servants or agents including solicitors and accountants for their assistance in the administration and management of the Trust Property Every appointment so made shall be for such period and on such terms as the Trustees shall think fit.

12. THE Trustees may if they think fit with the consent of the Controller accept and retain or refuse any new shares stock debentures or debenture stock in any company which may be offered to them in respect of any investments retained or made by the Trustees and may pay out of

capital or income any calls which may become due in respect of any of the premises so accepted and retained and may sell the right to receive any such new shares stock debentures or debenture stock and generally make such arrangements on the reconstruction or winding up of any company as the Trustees may think fit and may out of the Trust Investments make any payments for procuring a discharge from any liabilities affecting leasehold hereditaments or other hereditaments of a wasting nature or other investments involving a liability or any outstanding liabilities in connection with any educational establishment formerly carried on by the Trustees or their predecessors in title or for meeting such liabilities by insurance or otherwise and the Trustees shall not be liable for any loss which may occur by reason of any of the matters mentioned in this clause.

13. THE Trustees shall keep true accounts of all money received and expended by them and of the matters in respect of which such receipts and expenditure shall take place and of the property for the time being vested in them and of the liabilities in connection therewith (but so that it shall not be obligatory on the Trustees to keep separate accounts of capital and income) and may as and when they think fit provide for the audit of such accounts by such person or persons whether professional auditors or not as the Trustees shall from time to time appoint.

14. IT shall be lawful for the Controller or any two Trustees to summon a meeting of the Trustees by seven clear days' notice being given to all the Trustees or the other Trustees of the business to be transacted thereat and such a meeting so summoned shall be deemed to be a duly constituted meeting of the body of Trustees for the purposes of Section 12 of the Charitable Trusts Act 1869 provided that at least three Trustees be present thereat.

15. SECTION 36 of the Trustees Act 1925 shall apply not only in the events therein mentioned but also to the appointment of a new Trustee in the place of a Trustee becoming disqualified or being removed as hereinafter mentioned. Whenever the number of Trustees shall be less than the number of vacancies or vacancies shall forthwith be filled up. No person shall be appointed a new Trustee of these presents unless the Controller shall have first consented to his being appointed. The Controller may be or become a Trustee himself.

16. EVERY person who shall not profess or who shall cease to profess the Roman Catholic Religion or being in Holy Orders shall from whatever cause not be or cease to be in the enjoyment of full faculties from his Bishop or Vicar Capitular shall unless the Controller otherwise direct be absolutely disqualified from being becoming or continuing to be a Trustee of these presents and any Trustee so disqualified shall immediately on such disqualification occurring cease to be a Trustee of these presents and the certificate in writing of the Controller of any person becoming disqualified as aforesaid shall be conclusive evidence to that effect and an absolute bar to any further enquiry as to the fact by any Court Tribunal or person whatsoever.

17. IT shall be lawful for the Controller by writing under his hand to remove any person from being a Trustee of these presents at his absolute discretion and any Trustee so removed shall thereupon cease to be a Trustee.

18. ANY person becoming disqualified or being removed shall forthwith at the expense of the Trust execute and do all instruments and acts necessary or proper for vesting his interest in the Trust Property in his co-Trustees or as they shall direct.

19. NO purchaser mortgagee or other person dealing with any person for the time being acting as a Trustee of these presents shall be concerned to call for evidence or enquire whether any such disqualification or removal as aforesaid shall have occurred.

20. NOTHING herein contained shall prevent the appointment of a corporation whether or not being a trust corporation as a Trustee or in the case of a trust corporation as sole Trustee hereof.

21. **WITHIN** the limits prescribed by this Deed the Trustees shall have power subject to the approval of the Controller to make vary and revoke regulations as to all or any of the matters following :—

(A) the time and place for meetings of the Trustees and the conduct of the business of such meetings ;

(B) the custody of money deeds securities and documents and the signature and endorsement of cheques and drafts by any person or persons on behalf of the Trustees ;

(C) the fixing and waiving of school fees the giving of prizes and scholarships (including scholarships to be held at any university or college) and the management generally of educational institutions subject to the Trust ;

(D) the powers to be exercised by the Headmaster or Principal of any such educational institution in relation to the matters last aforesaid ;

(E) generally as to the management of the business of the Trust.

The Trustees shall have full powers of giving effect to all regulations so made.

22. **IF** any question shall at any time arise as to the identity of the individual for the time being described and known as aforesaid as the Abbot of Belmont the certificate in writing of the Roman Catholic Archbishop of Westminster for the time being or his secretary shall be conclusive evidence of such identity and that the person named in such certificate holds the office of Controller for the purposes hereof.

23. **THE** Trustees may with the consent of the Controller or if there shall be no person holding that office for the time being with the like consent of the Abbot President for the time being of the English Benedictine Congregation by any deed or deeds declare or alter the trusts hereinbefore declared concerning any property or personal for the time being subject to the trusts hereof or any of such properties or any part or parts thereof respectively and by any deed or any other deed or deeds declare such new or other trusts being charitable trusts in connection with the Roman Catholic Church in Great Britain or abroad as they may think fit in respect of the properties the trusts whereof shall be revoked as aforesaid.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

THE FIRST SCHEDULE above referred to.

BELMON ABBEY ESTATE.

LEASEHOLDS.

1. All those two pieces or parcels of land situate lying and being in the Parish of Clehonger in the County of Hereford containing respectively by admeasurement 2 acres and 29 perches and 2 acres and 10 perches and being respectively the same two pieces or parcels of land as are respectively mentioned and described in the First Schedule to an Order for exchange under the hands and official seal of the Enclosure Commissioners for England and Wales bearing date the 16th day of November 1854 and in such schedule and in the map or plan drawn in the margin of the same Order distinguished by the numbers 375A and 376B and which said pieces or parcels of land are also delineated and described in the map or plan drawn in the margin of a certain Lease dated the 18th day of August 1857 and made between Francis Richard Wegg Prosser of the one part and The Reverend James Sweeney The Reverend Ralph Cooper The Reverend Percy Patrick Anderson and The Reverend William Scarisbrick of the other part wherein the same are tinted red and distinguished by the same numbers 375A and 376B being leasehold for a term of 999 years from the 18th day of August 1857 at a peppercorn rent.

2. All that piece or parcel of land also situate lying and being in the Parish of Clehonger in the County of Hereford being part and parcel of a piece of land also mentioned and described in the said First Schedule to and delineated in the map or plan drawn in the margin of the said Order of the Enclosure Commissioners for England and Wales and therein distinguished by the number 375B which said piece or parcel of land secondly hereinbefore described is delineated in the map or plan drawn in the margin of a certain Lease dated the 18th day of August 1857 and made between Francis Richard Wegg Prosser of the one part and The Reverend James Sweeney The Reverend Ralph Cooper The Reverend Percy Patrick Anderson and The Reverend William Searisbrick of the other part and therein tinted red and the same piece or parcel of land is bounded on the west and south and south-east parts thereof by the said pieces or parcels of land firstly hereinbefore described and on the north and north-east parts thereof by the remaining part of the said piece or parcel of land described in the said First Schedule to the said Order of the said Enclosure Commissioners and therein referred to by the number 375B of which the same forms a part which said remaining part of the said last-mentioned piece or parcel of land together with the ground plot or plan of a church erected thereon or on some part thereof is also delineated and described in the said map or plan drawn in the margin of the hereinbefore recited Lease of the 18th day of August 1857 and therein coloured green the distances between the said north and north-eastern boundary lines of the said piece or parcel of land secondly hereinbefore described and the said church so erected and being on the said remaining part of the said last-mentioned piece or parcel of land being respectively as follows that is to say the distance in a straight line between the face of the west wall of the said church and the eastern portion of the said boundary line which is parallel to such wall is 66 feet and the distance in a straight line between the face of the south wall of the said church and the northern portion of the said boundary line which is parallel to such last-mentioned wall is 3 feet except on the south porch of the said church where the said boundary coincides with the exterior of the walls of such porch being leasehold for a term of 999 years from the 18th day of August 1857.

3. All that piece or parcel of land as the same is now fenced off and divided from adjoining lands and is situate lying and being in the Parish of Clehonger in the County of Hereford being part of a certain wood called Brickhouse Wood and containing by admeasurement 3 roods and 10 perches or thereabouts all which piece of land is more particularly delineated in the map or plan drawn on the last skin of a certain Lease dated the 13th day of June 1879 and made between Francis Richard Wegg Prosser and John Francis Wegg Prosser of the first part and the said James Sweeney (in the said Lease written Sweeny) and the said William Searisbrick of the second part and therein coloured green being leasehold for a term of 999 years from the 13th day of June 1879 at a peppercorn rent.

FREEHOLD.

1. All those messuages or tenements and fields or pieces or parcels of arable and pasture land woodland and plantation containing about 26 acres 3 roods and 7 perches (be the same more or less) situate and lying in the Parish of Clehonger in the County of Hereford and particularly delineated on the plan drawn on a certain Conveyance dated the 24th day of October 1907 and made between John Francis Wegg Prosser of the first part James Bernard Baker and Edward Lygon Somer Cocks of the second part and The Very Reverend John Fowler The Very Reverend John Colgan and The Very Reverend Wilfrid Hayes of the third part and thereon coloured green.

2. All that piece or parcel of land situate in the Parish of Clehonger in the County of Hereford containing 2 acres and 2 roods or thereabouts and bounded on or towards the north by the high road leading from Hay to Hereford on or towards the south-east by the road from Abergavenny to Hereford and on or towards the south-west by land formerly of the said John Francis Wegg Prosser which piece or parcel of land is delineated on the plan drawn on a certain Conveyance dated the 20th day of January 1914 and made between the said John Francis Wegg Prosser of the first part

The Right Hon. Harold Arthur Viscount Dillon of the second part Catherine Mary Wegg Prosser of the third part William Henry Wickham of the fourth part and the said John Fowler John Colgan and Wilfred Hayes of the fifth part and thereon coloured pink.

THE SECOND SCHEDULE before referred to.

CALLAGHAN FUND.

1,000 5½ per cent. Cumulative Preference Shares, Welsh Associated Collieries Limited.

IMRIE FUND.

£1,300 Chilean Government 4½ per cent. Bonds 1886.

DAVIES FUND.

£799 18s. 6d. 3½ per cent. War Stock

TURNBULL FUND.

£832 2s. 11d. 3½ per cent. War Stock.

CHURCH FUND.

£5,500 Chilean Government 5 per cent. Loan 1911, 2nd Series.
£139 8s. 7d. 3½ per cent. War Stock.

GENERAL FUND.

£91 8s. 2d. 3½ per cent. War Stock.
£200 Rio de Janeiro 5 per cent. Benedictine Ordinary Gold Loan 1909.
£500 Brazilian 4 per cent. Stock 1889.
£60 U.S. Brazil 5 per cent. Funding Bonds 1914.
£80 Egyptian Unified 4 per cent. Stock.
£60 U.S. Brazil 5 per cent. 40 Year Funding Bonds 1931.
£412 Buenos Ayres Western Railway 4 per cent. Debenture Stock.
£646 Cordoba Central Railway 4 per cent. First Debenture Stock.
£1,000 Grand Trunk Railway Company of Canada Perpetual 4 per cent. Consolidated Debenture Stock.
£191 Cordoba Central Railway Co Income Stock.
£351 London Transport "C" Stock.
£17 Ordinary Stock, North Metropolitan Electric Power Supply Company.
£40 Ordinary £1 shares. Associated Equipment Company Limited.
£75 Whelan Annuity from the Equity and Law Life Assurance Society.
£900 Grand Trunk Railway of Canada 4 per cent. Guaranteed Stock.

SIGNED SEALED and DELIVERED
by the said Thomas Leonard, William
Sweeney, Oswald Maxwell and Anthony
Wackrill in the presence of :—

T. LEONARD.

Seal.

E. AMPHLETT CAPEL,
Solicitor,
Hereford.

W. SWEENEY.

Seal.

O. MAXWELL.

Seal.

A. WACKRILL.

Seal.

Recorded in the books of the Charity Commissioners for England and Wales pursuant to the provisions of Section 29 (4) of the Settled Land Act, 1925.

21st September 1936.

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Seal.