

IN THE SUPREME COURT

OF NEW SOUTH WALES

IN EQUITY.

No. 1103 of 1970.

IN THE MATTER of the trusts affecting the property constituting the Wybalena Hostel.

BETWEEN: MARY MILLAR and EDWARD ALAN HUNT

Plaintiffs.

AND: JANE NOBLE PALMER, JOHN FLETCHER DEY,  
WINIFRED DORIS DOUGHERTY and HER  
MAJESTY'S ATTORNEY GENERAL IN AND FOR  
THE STATE OF NEW SOUTH WALES.

Defendants.

THURSDAY the twenty-seventh day of May One thousand nine hundred and seventy-one.

THIS SUIT instituted by Originating Summons coming on to be heard the twenty-sixth day of May instant and this day before the Honourable Michael Manifold Helsham a Judge of the Supreme Court sitting in Equity WHEREUPON AND UPON HEARING READ the said Originating Summons the Affidavit of Mary Millar sworn the thirteenth day of August last the affidavit of Dorothy Isabel Knox sworn the fourteenth day of August last the Affidavit of Gertrude Amy Roseby sworn the fifteenth day of August last the Affidavit of Edward Alan Hunt sworn the twenty-fifth day of May instant the Affidavit of John Fletcher Dey sworn the twenty-third day of February last the Affidavit of Winifred Doris Dougherty sworn the sixteenth day of February last the Affidavit of Colina Kinloch Lynan sworn the seventeenth day of February last the Affidavit of Emily Knight sworn the eighteenth day of March last the further Affidavit of Edward Alan Hunt sworn the eighteenth day of March last the further Affidavit of Mary Millar sworn the eighteenth day of March last the Affidavit of Isabel McKinney Harrison sworn the nineteenth day of March last and the Affidavit of Jane Noble Palmer sworn the seventeenth day of May instant all filed herein AND UPON READING AND EXAMINING the exhibits marked "A" "B" and "C" put in evidence on behalf of the Plaintiffs and the exhibits numbered "1" and "2" put in evidence on behalf of the Defendants John Fletcher Dey and Winifred Doris Dougherty AND UPON HEARING what was alleged by Mr. Kearney of Counsel for the Plaintiffs by Mr. Nelson of Counsel for the Defendant Jane Noble Palmer by Mr. Henderson of Queen's Counsel with whom was Mr. Beaumont of Counsel on the twenty-sixth day of May instant and by Mr. Gyles of Counsel this day for the Defendants John Fletcher Dey and Winifred Doris Dougherty and by Mr. R. Parker of Counsel for the Defendant Her Majesty's Attorney General in and for the State of New South Wales THIS COURT DID ORDER that the Plaintiff be at liberty to amend the said Originating Summons by substituting the name Jane Noble Palmer for the name Gertrude Amy Roseby where it appears in Orders (1) and (3) sought therein and by adding in Order (4) sought therein after the word "defendant" the name Winifred Doris Dougherty AND the same having been amended accordingly THIS COURT DOth DECREE that upon the true construction of the Deed of Declaration of Trust dated the twenty-eighth day of August one thousand nine hundred and fifty-one concerning lands and premises known as the "Wybalena Hostel" and of the respective constitutions of the New South Wales Women's Inter-Church Council and of the New South Wales Women's Inter-Church Council Wybalena Hostel Committee and in the events which have happened the Fund and Investments representing the proceeds of sale of the land and premises mentioned in the said Deed of Declaration of Trust and known as the Wybalena