

HOWARD AND GEORGINA BERRY TRUST

As indicated in the attached correspondence, the allocation of payments received from the above source was discussed by me with the Advisory Committee.

The copy of the memorandum dated 24th February, 1933 clearly sets out the original purpose of the late Legatee Walter Berry as Trustee of the Estate of the deceased parents. Following his death in 1933 administration of the Estate passed to the Equity Trustees and lacking direction by Walter Berry a total of \$3000.00 has been credited to Junior Legacy, Melbourne.

The initial payment of \$100.00 received in 1933 had been paid to the credit of the President's Fund. The Trustees are reluctant to vary the method of payment (i.e. to Junior Legacy) which has existed for a period of 13 years.

The Advisory Committee believes that paragraph 5 of the memorandum dated 24th February, 1933 provides the Board with authority to receive payments from the Trustees in the name of Junior Legacy and divert them to the President's Fund. The Trustees informed Legatee Kemsley that they would have no objection to this procedure operating within Legacy but they would prefer us to act on the authority contained in the 1933 memorandum and they do not wish to have any other correspondence in the matter.

It would appear that the situation in respect of the payments received is a reversal of that for which Club Rule 25 (a) was specifically framed.

Legatee Kemsley is adamant on the point that the 1933 memorandum confirms the real purpose of the late Legatee Walter Berry to whom it is addressed.

It is recommended to the Board that the sum of \$500 be transferred from Junior Legacy to the President's Fund account and that future payments be received by Junior Legacy and transferred to the President's Fund account.

The memoranda leading up to the consideration of this matter by the Board at this date would record the investigation and decisions made.

R.S. Isherwood
PRESIDENT.

14/12/66.

Above proposals approved at the meeting of the Board of Management on 14th December, 1966, vide Minute 2(c).

COPY

24th February, 1933

The Trustees,
The Howard and Georgina Berry Trust Fund,
MELBOURNE.

Dear Sirs,

In order that the fund to be created by this Club, of which your recent donation of £50 is to form the nucleus, is administered as desired by you and also in order that future Presidents of this Club shall be under no misapprehension, it is considered desirable that the Trustees should be notified of the following plan for the operation of the Fund, which I believe interprets correctly their wishes:-

1. The Fund shall be known as the President's Fund.
2. It shall be utilised by the President of the Club for the time being at his absolute discretion.
3. Payments from the Fund may be either by way of grant or loan.
4. Such payments shall be made by the President for any of the following purposes -
 - (a) Assistance to any member of the Legacy Club of Melbourne.
 - (b) Assistance to any member of the Intermediate or Junior Legacy Clubs of Melbourne providing the grant or loan is for a purpose for which no other fund is available.
 - (c) Assistance to any other returned soldier or dependant of a returned soldier for any purpose for which no other fund is available, providing the person so assisted is one who in the ordinary course of events comes within the scope of the work of the Legacy Club of Melbourne.
5. The Fund may be added to by other donations given specifically for similar purposes, or by the Board of Management of the Club from any source from which monies may come into its control and not intended for other use.

6. In order to preserve the secrecy of the Fund, no balance sheet or statement of disbursements shall be issued or made known, but the President shall be permitted to consult any member or committee of the Club at any time in regard to any proposed grant or loan.
7. The Bank Account of the Fund shall be kept by the Treasurer of the Club for the time being who shall countersign all cheques, keep, vouchers, etc., but shall not have any other responsibility for disbursements made. The Treasurer shall retain to himself the strictest secrecy regarding all details of the Fund.

If the above correctly sets out the point of the view of the Trustees their formal approval to the above would be appreciated, thus clearly defining the position for the present and the future.

Again thanking you very sincerely for this extremely fine and useful donation, and assuring you of faithful observance of the trust reposed in the office of President of this Club.

Yours faithfully,

(Sgd.)

A. N. KEMSLEY,

PRESIDENT.

THE PRESIDENTS'S FUND

As I approach 90 and having the good fortune to be the longest serving active member in Legacy, I want to place on record the history and value of the President's Fund.

The credit for its establishment belongs to the late Lagatee Walter Berry, who was a member and director of the well established and highly reputed firm of Henry Berry & Co. whose business was basically domestic and building supplies.

The Club by 1930 had done much to expand Legacy all over Australia after the adoption of the widows and children of deceased comrades. But from 1930 to 1933 Australia suffered the worst depression in employment since the disastrous "ninetees". Conditions were so bad that the Parliament felt compelled by law to enforce reduced salaries and wages by a determined percentage.

After 1925 we changed course from the original creative policy of mutual membership Comradship amongst members to the responsibility of the needs of the children of deceased comrades - soon after that to include the widows. At the same time of those early years we led the policy of creating corresponding Clubs all over Australia.

We secured information from the Repatriation Department of the names and addresses of deceased ex service men which formed the main source of contact to the families. Originally we set about creating a Junior Legacy organisation for the benefit of the sons of those who had passed on later to be extended to daughters and widows.

Classes were established to create mutual relationships for boys - classes for comradeship, physical culture, advanced education, camps, etc.

No sooner had these activities been achieved when we expanded to include daughters, mostly for weekly gymnasium and mutual relationships, and employment.

Raising funds for these activities was the responsibility of selected influential personnel amongst the membership and they achieved the needs of those days at little cost to the Club.

Enrolments to membership in early years was based on selected personnel willing to contribute their services for the policy base and as the duty responsibilities increased the selection of new members became restricted. Those who had enrolled for comradeship alone gradually resigned as demands for service became necessary.

It was this development that embarrassed Walter Berry, a partner of the family company of Henry Berry Pty. Ltd. a leading organisation whose business was basically household needs.

Walter had served beside me in France when he was a personal assistant to General Monash, in the responsibility of Camp Commandant of Aust. Corps Headquarters.

As the pressure for allotted duties developed, Walter Berry, for personal private reasons did not want to resign, and approached me in my Presidential year of 1932, offering to provide a Fund named after his Company, with a proposed permanent contribution to be disbursed secretly by the President for the relief of any member of the Club who became financially embarrassed.

My Board of Management welcomed this gesture and the Henry Berry Fund was created on a permanent basis and each year's contribution passes through me to the President. The secrecy of names has been retained by successive Presidents to this day.

But I have recently learned that the Berry Fund is now practically devoid of funds.

So Mr. President, it seems a great pity that a fund that has been of such value to an unknown number of Legatees over the years, with the decreased value of money, needs some form of expansion.

May I invite you to raise the matter with the Board of Management to consider ways and means to create a continuation of the secrecy fund to be available on the same basis. If the idea of the Berry Fund could appeal to those members who could give grants on a similar basis, there is no doubt that instances may occur or are existing.

Walter Berry died soon after this Fund was created. He was walking along Bourke Street, after attending a night meeting of some kind to catch his Toorak tram home, when he dropped dead in front of Myer Emporium.

A. Kewsey

February 1985

AUSTRALIA AND NEW ZEALAND
 BANKING GROUP LIMITED
 230 SWANSTON STREET

3160 (28)



Branch Telephone
 Numbers

6074902

Account Name

LEGACY CLUB MELBOURNE
 PRESIDENTS FUND ACCOUNT

Account Number

86 48784

Date of Issue
 29JUN84

THE HONORARY TREASURER
 PRESIDENTS FUND ACCOUNT
 LEGACY HOUSE
 293 SWANSTON ST
 MELBOURNE

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VIC 3000

Date	Particulars	Debit	Credit	Balance #
31 MAY 84			brought forward	1,045.46CR
1 JUN 84	CWTH.L. INT ASB SERIES 19	19	306.25	1,351.71CR
			11/2/85	\$3,793.59.
	Total	0.00	306.25	\$1,351.71CR

Final balance is subject to adjustments — please see reverse.

Final balance #

AUSTRALIA AND NEW ZEALAND
BANKING GROUP LIMITED
230 SWANSTON STREET

3160 (28)



Branch Telephone
Numbers

6074902

Account Name

LEGACY CLUB MELBOURNE
PRESIDENTS FUND ACCOUNT

Account Number

£6 48784

Date of Issue

31MAY84

THE HONORARY TIREASURER
PRESIDENTS FUND ACCOUNT
LEGACY HOUSE
293 SWANSTON ST
MELBOURNE

Page No.

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VIC 3000

Date	Particulars	Debit	Credit	Balance #
30APR84			brought forward	1,045.46CR
	Total	0.00	0.00	\$1,045.46CR

Final balance is subject to adjustments — please see reverse.

Final balance #