ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

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Private Act.

An Act to alter the Trusts of the Church of Saint Mary Magdalene, Adelaide.

[Assented to, November 20th, 1919.]

WHEREAS Charles Soward Hornabrook, of Adelaide, Archdeacon of Adelaide, Frederick Valentine Fearnson, of Adelaide, Commercial Traveller, and James Martin, of Adelaide, Bookbinder, are the present trustees under a certain Declaration of Trust, made 11th day of March, 1890, by George Wyndham Kennion, Doctor of Divinity, Bishop of Adelaide, and Alfred Farr, Timber Merchant, and Charles Matthew Melbourne Hird, Clerk, all of Adelaide, and relating to part town acre, No. 448, situated in the City of Adelaide, comprised in Certificate of Title Register Book Volume CCCCL., folio 198, together with certain rights-of-way mentioned in such Certificate of Title on which land is erected the Church of Saint Mary Magdalene: Whereby it was declared by paragraph one thereof that only such persons holding the licence of the Bishop of Adelaide as the Incumbent Minister for the time being of Saint John's Church, Adelaide, should determine or appoint and approve, should officiate in the said Church, or, in the absence of such appointment as the Lord Bishop for the time being of the Church of England in South Australia, should approve or appoint, and on the appointment of every fresh Incumbent Minister for Saint John's Church, such fresh Incumbent Minister should be the Minister for the time being of the said Church: And it was by the said instrument declared that the said trustees should, if requested so to do by resolution of the Vestry of Saint John's Church aforesaid, at any time and from time to time by any deed or deeds, with or without power of revocation, revoke, alter, or amend, either wholly or partially, the trusts and powers declared by the said instrument, and, by the same or any other deed or deeds, declare new
new or other trusts or powers concerning the trust premises to which such revocation should extend as to the said trustees should seem meet, but no alteration or revocation should be made to take effect which should or might be inconsistent with or repugnant to the principles and trusts embodied and set forth in the said paragraph one of the said Deed of Trust: And whereas the Church of Saint Mary Magdalene has for many years been treated by the Vestry of Saint John's Church and the Incumbent thereof as a Church independent of and not subject to any control by such Vestry or Incumbent: And whereas in the year 1913 the Vestry of Saint John's Church, at a meeting of such Vestry, duly convened and held, resolved that the time had arrived for dividing the Parish of Saint John's and agreed that certain portion of such Parish in which the Church of Saint Mary Magdalene was situate should be formed into a new Parish and the present trust of that Church should be altered, and the said Vestry, by resolution duly passed on the 29th day of April, 1919, re-affirmed the resolution and agreement so passed and made in the year 1913: And whereas a great number of Churches and Schools of the Church of England in the Diocese of Adelaide are held upon the trusts of a certain Model Trust Deed deposited in the General Registry Office at Adelaide and numbered 45 of 1905: And whereas the present trustees of the said Church of Saint Mary Magdalene are desirous of giving effect to the said resolutions of the Vestry of Saint John's Church:

Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

1. This Act may for all purposes be cited as the "Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919."

2. In this Act, unless the context otherwise requires, "Church" means the Church of Saint Mary Magdalene, Adelaide.

3. Notwithstanding anything contained in the said recited Declaration of Trust it shall be lawful for the trustees of the said Church, with the consent of the Bishop for the time being of the Church of England in the Diocese of Adelaide, by any writing under their hands and seals to wholly revoke the trusts declared by the said recited Declaration of Trust, and to declare that the said Church lands shall thenceforth be held upon such of the trusts and with such of the powers, authorities, and discretions, and subject to such of the terms, provisions, and conditions contained in the said Model Trust Deed of 1905, with such variations thereof as to the said trustees may seem advisable or expedient.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.