



ANNO UNDECIMO

GEORGII V REGIS.

A.D. 1920.

Private Act.

An Act for the appointment of Trustees of the Church property of St. George's Church, Woodforde, and for the sale thereof, and for other purposes.

[*Assented to, December 1st, 1920.*]

WHEREAS by Indenture dated the thirty-first day of March, Preamble.
eighteen hundred and fifty-five, and made between Richard Beatson, of Stradbrook, near Adelaide, in the State (then Province) of South Australia, Esquire, of the one part, and John Baker, of Morialta, near the City of Adelaide aforesaid, a Member of the Legislative Council of South Australia, the said Richard Beatson; Henry Paas Denton, of Magill, near the City of Adelaide aforesaid, Esquire; Francis Grote, of the Fourth Creek, near the City of Adelaide aforesaid, Esquire; and William Gibb, of St. Bernard's, near the City of Adelaide aforesaid, storekeeper, of the other part: After reciting that the said Richard Beatson, being seized of an estate in fee simple in the hereditaments thereafter described for the consideration therein mentioned, did agree to convey the said hereditaments to the Trustees of St. George's Church, Woodforde, for the purpose of erecting a Parsonage thereon to be used and occupied by the officiating Minister for the time being of the said Church: And after reciting that at a meeting duly convened for the purpose of choosing Trustees for the said Church, it was resolved that the said parties of the second part should be Trustees of the said Church: It was witnessed that the said Richard Beatson did grant, bargain, sell, and release to the said John Baker, Henry Paas Denton, Francis Grote, and William Gibb, and their heirs, all that piece of land containing by admeasurement five acres or thereabouts

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thereabouts, part and parcel of all that section of land containing one hundred and thirty-four acres, and numbered 341 in the Provincial Survey, marked with the letter B, and which said piece or parcel of land is the western portion of the allotment numbered 7 in the plan of the said section, and is bounded as appears in the said Indenture to have and to hold the said piece or parcel of land, with the appurtenances thereto, unto and to the use of the said John Baker, Richard Beatson, Henry Paas Denton, Francis Grote, and William Gibb, their heirs and assigns, for ever upon trust to permit and suffer a messuage, tenement, or dwelling-house, with out-buildings and appurtenances, to be erected and built on the said land, and to permit the same and the said land thereby conveyed to be used and occupied as a Parsonage and Glebe by the duly-elected Minister for the time being officiating at St. George's Church aforesaid: And whereas by Indenture, dated the eleventh day of April, eighteen hundred and sixty-three, after reciting the said Indenture of the thirty-first day of March, eighteen hundred and fifty-five, and after reciting that at a meeting of the seatholders of the said Church, duly convened and held on the eleventh day of April, eighteen hundred and sixty-three, Christopher Rawson Penfold, of the Grange, near Magill aforesaid, Esquire; William James Turner, of the Third Creek, near Magill aforesaid, Esquire; and Robert Cottrell, of Woodforde, near Magill aforesaid, coach-builder, were appointed Trustees in the place of the said Richard Beatson, Francis Grote, and William Gibb, who had resigned their office as Trustees: It was witnessed that for the purpose of vesting the trust estate in the said Christopher Rawson Penfold, William James Turner, and Robert Cottrell, jointly with the said John Baker and Henry Paas Denton, all that the lands and hereditaments described in the said Indenture of the thirty-first day of March, eighteen hundred and fifty-five, were granted unto and to the use of the said John Baker, Henry Paas Denton, Christopher Rawson Penfold, William James Turner, and Robert Cottrell, their heirs and assigns, for ever upon and subject to the trusts contained in the said recited Indenture of the thirty-first day of March, eighteen hundred and fifty-five: And whereas neither of the said Indentures contained any provision for the appointment of new Trustees: And whereas by virtue of Certificate of Title under the provisions of the Real Property Act, 1886, Register Book, volume 219, folio 197, the said Henry Paas Denton, Robert Cottrell, and William James Turner are registered as the proprietors of an estate in fee simple in portion of section 341, in the Hundred of Adelaide, containing one rood and thirteen perches, or thereabouts, and bounded as appears in the said Certificates of Title, which said piece of land has since the acquisition thereof in the year eighteen hundred and seventy-six been used as a right-of-way in connection with the land firstly hereinbefore described: And whereas by virtue of Certificate of Title under the provisions of the Real Property Act, 1886, Register Book, volume 324, folio 141, Ross Thompson Reid and Samuel Crawford Pearson, both of Magill, gentlemen, and Alfred Honner,
of

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of Magill, Clerk in Holy Orders, are seized of an estate in fee simple as joint tenants in that piece of land situated in the Hundred of Adelaide, County of Adelaide, being allotment No. 437, containing twenty-six perches or thereabouts, of portion of the section 327, laid out as Murray Park: And whereas the said land lastly described has since the acquisition thereof in the year eighteen hundred and eighty been used as Church property, and there is built thereon St. George's Hall, which has been and still is used for purposes connected with the said Church and the Church School: And whereas by virtue of Certificate of Title under the Real Property Act, 1886, Register Book, volume 68, folio 233, the said John Baker, Henry Paas Denton, Christopher Rawson Penfold, William James Turner, and Robert Cottrell are seized of an estate in fee simple in that piece of land situated in the Hundred of Adelaide, County of Adelaide, being part of the allotment No. 5, of the section 342, laid out as Woodforde, containing two roods and two perches, or thereabouts, except as in the said Certificate of Title excepted and bounded as appears in the said Certificate of Title: And whereas since the acquisition of the said last-mentioned piece of land in the year eighteen hundred and sixty-five, the same has been used as an accommodation reserve in connection with St. George's Church, Woodforde aforesaid: And whereas the said John Baker, Richard Beatson, Henry Paas Denton, Francis Grote, William Gibb, Christopher Rawson Penfold, William James Turner, Robert Cottrell, Ross Thompson Reid, Samuel Crawford Pearson, and Alfred Honner are all dead, and there is no provision in any of the said deeds for the appointment of new Trustees of the said properties or any of them: And whereas it is expedient that new Trustees of all the aforesaid Church properties should be appointed, and that the said properties should be vested in such new Trustees, freed and discharged of and from the trusts heretofore declared or subsisting of and concerning the same, and that the said properties should be held by such new Trustees, upon the trusts and with and subject to the powers and authorities hereinafter contained: And whereas at a meeting of the Vestry of St. George's Church aforesaid, held on Monday, the fourteenth day of June, nineteen hundred and twenty, it was resolved that the following persons should be the Trustees of the aforesaid Church properties, viz.:—William John Reid Hutchison, of Magill, accountant; Henry Ernest Horsnell, of Magill, dairyfarmer; Harry Newburgh Bainbridge, of Medindie, insurance manager; Esther Galt, of Lorne Avenue, Magill, widow; and John Henry Thomas Trewenack, of Kensington Road, Leabrook, potter—

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 be cited for all purposes as "St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920." Short title.

2. In

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Lands Act.—1920.*

Interpretation.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings ascribed to them :—

“ The Church ” means “ St. George's Church, Woodforde ” :

“ The Minister ” means and includes the present Rector, the Reverend John Thomas Phair, and also every future Rector or other Minister of the Church :

“ The Parsonage and Glebe land ” means and includes the lands comprised in the said Indenture, dated the thirty-first day of March, eighteen hundred and fifty-five, and in the said Certificate of Title, Register Book, volume 219, folio 197 :

“ The St. George's Hall land ” means and includes the land comprised in the said Certificate of Title, Register Book, volume 324, folio 141 :

“ The Accommodation Reserve ” means and includes the lands comprised in the said Certificate of Title, Register Book, volume 68, folio 233 :

“ The said lands ” means and includes the Parsonage and Glebe land, the St. George's Hall land, and Accommodation Reserve land, and any other lands purchased by the Trustees under the powers in that behalf hereinafter contained :

“ The Trustees ” means the said William John Reid Hutchison, Henry Ernest Horsnell, Harry Newburgh Bainbridge, Esther Galt, and John Henry Thomas Trewenack, and any other Trustees hereafter appointed under the provisions of this Act.

Lands vested in
Trustees.

3. The said lands shall henceforth be vested in and held by the Trustees, freed and absolutely discharged of and from all trusts and conditions heretofore declared or subsisting concerning the same ; and the Registrar-General of the State of South Australia shall register the Trustees as the owners in fee simple of such of the said lands as are under the provisions of the Real Property Act, 1886, or any part or parts thereof.

Power of sale.

4. The said lands shall henceforth be held by the Trustees upon trust to sell the said lands, or any part or parts thereof, with power to the Trustees to postpone the sale of the said lands, or any part thereof, for so long as they shall think fit ; and it shall be lawful for the Trustees to subdivide the said lands into such allotments, streets, and ways as the Trustees shall consider most advantageous, and to sell and dispose of the said lands without any subdivision as aforesaid, or, if the same be subdivided, then in one or more lots with rights-of-way over such streets or ways ; and any such sale may be by public auction or private contract, for cash or on credit, or partly for cash and partly on credit, and either with or without special conditions relative to title or otherwise, with power to buy in at sales by auction and to rescind contracts for sale, and to resell without being

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being answerable for any loss or diminution in price, and generally on such terms and conditions as the Trustees shall think expedient; and upon every such sale it shall be lawful for the Trustees to convey, transfer, or assure the said lands, or any part or parts thereof, so sold or expressed so to be unto and to the use of the purchaser or purchasers thereof, his or their executors, administrators, and assigns, or as he or they may direct absolutely freed and discharged from all trusts and conditions declared or subsisting of and concerning the same.

5. The Trustees shall hold the said lands until the sale thereof Trusts until sale. upon the following trusts, that is to say :—

- I. As to the Parsonage and Glebe land upon trust to permit the same to be used and occupied as a Parsonage and Glebe by the Minister :
- II. As to the St. George's Hall land and Accommodation Reserve land upon trust for such Church purposes as may be declared in respect thereof at a duly convened meeting of the Vestry of the Church.

6. Upon sale of the said lands, or any part thereof, the Trustees shall, out of the proceeds arising from such sale or sales, pay all costs, charges, and expenses of and incidental to obtaining this Act, and to the sale of the said lands, or any part or parts thereof, and shall stand possessed of the net proceeds, and apply the same to and for some one or more of the following purposes, that it so say :— Investment of trust funds.

- I. Upon sale of the Parsonage and Glebe land or any portion thereof upon trust—
 - (a) To invest the same in some one or more of the investments authorised by law for the investment of trust funds and to pay the income arising therefrom to the Minister :
 - (b) From time to time to purchase other lands and buildings to be used and occupied as a Parsonage and Glebe by the Minister :
 - (c) To erect buildings on any portion of the said lands, and to permit such lands and buildings to be used and occupied as a Parsonage and Glebe by the Minister.
- II. Upon sale of the St. George's Hall land or Accommodation Reserve land upon trust—
 - (a) to invest the proceeds in such investments as aforesaid ; or
 - (b) to purchase other lands and buildings to be held by the Trustees and used for such purposes as shall from time to time be determined in respect thereof at a duly convened meeting of the Vestry of the Church. The

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The income (if any) to arise from any such investments shall be applicable to assist in carrying out the purposes aforesaid.

Meeting of Vestry.

7. A meeting of the Vestry of the Church shall be deemed to be duly convened and held if seven days' notice of the holding of any such meeting shall have been given by notice posted on the door of St. George's Church, Woodforde, specifying the objects for which such meeting is called and the business to be transacted thereat.

**Number and election
of Trustees.**

8. The number of the Trustees shall not be less than five. Upon the death or retirement of any one or more of the Trustees a new Trustee or Trustees shall be elected by the Vestry of the Church, at a duly convened meeting thereof, in the place or stead of the Trustee or Trustees so dying or retiring.

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

W. E. G. A. WEIGALL, Governor.