

## TRANSLATION OF THE ORIGINAL TRUST DEED

TO ALL TO WHOM THESE PRESENTS SHALL COME, We THOMAS LIPSON of ADELAIDE in the PROVINCE of SOUTH AUSTRALIA Esquire, a Commander in Her Majesty's Navy JOHN NEWMAN of PORT ADELAIDE in the said PROVINCE Esquire ROBERT RICHARD TORRENS of ADELAIDE aforesaid REGISTRAR GENERAL of the said PROVINCE CHARLES SIMEON HARE of ADELAIDE in the said PROVINCE and THE VERY REVEREND JAMES FARRELL of ADELAIDE aforesaid SEND GREETING WHEREAS an indenture dated this ninth day of November One Thousand Eight Hundred and forty six and expressed to be made between one JOHN HILL therein described of the one part and the said THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK and JAMES FARRELL of the other part for the considerations in subindenture mentioned the said JOHN HILL DID grant unto the said THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK AND JAMES FARRELL their heirs and assigns ALL THAT piece and parcel of land containing one acre or thereabouts whereon a temporary building used as a place of Worship has been erected, and being part and parcel of ALL THAT section of land containing one hundred and thirty four acres, numbered Two thousand One hundred and twelve in the provincial survey marked with the letter "B", bounded on the North by a Public road One hundred feet wide On the South by a road formed out of the same section and East and West by roads also formed out of the same section AS the same piece or parcel of land is more particularly delineated in the plan drawn in the margin of the now reciting Indenture TOGETHER WITH the building erected and built thereon and Together also with all Timber, Minerals and appurtenances TO HOLD unto the said parties of the other part their heirs and assigns for ever NEVERTHELESS UPON TRUST that they the said parties of the other part, their heirs and assigns should and would from time to time and at all times thereafter maintain and keep an Episcopal Church on the aid piece of land thereby granted AND WHEREAS by a certain Deed Poll bearing the date on or about the third day of June One Thousand eight hundred and forty eight Indorsed on the before on part recited Indenture under the hands and seals of the said JAMES FARRELL, WILLIAM JOHN WOODCOCK, ROBERT RICHARD TORRENS, THOMAS LIPSON, CHARLES SIMEON HARE AND JOHN NEWMAN IT WAS THEREBY DECLARED that the said JAMES FARRELL, WILLIAM JOHN WOODCOCK, ROBERT RICHARD TORRENS, THOMAS LIPSON, CHARLES SIMEON HARE AND JOHN NEWMAN did hold the lands and hereditments described in the before in part recited Indenture UPON TRUSTS for the erection maintenance and repair of SAINT PAUL'S CHURCH on the acre of land by the before in part recited Indenture conveyed, and for the provision out of the Revenues belonging to or arising to or arising from the use of the same in such manner as should be lawfully appointed of all things necessary for the celebration of Divine Worship and service therein according to the usages of the United Church of England and Ireland as by Law established in conformity with and subject to the provisions of an Ordinance enacted by the Governor of South Australia with the advice and consent of the Legislative Council thereof "To promote the building of Churches and Chapels for Christian Worship and to provide for the maintenance of Ministers of the Christian Religion" and of any other Ordinance or Law for the like purposes which might be hereafter in force within the Province on so far as such provisions were or might be applicable to the said Trusts AND WHEREAS by an Indenture bearing date Twenty First day of November One Thousand Eight Hundred and Forty Six and mad between the said JOHN HILL of the one part and the said JAMES FARRELL, WILLIAM JOHN WOODCOCK, ROBERT RICHARD TORRENS, THOMAS LIPSON, CHARLES SIMEON HARE AND JOHN NEWMAN of the other part for the consideration therein mentioned the said JOHN HILL DID grant unto the said THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK and JAMES FARRELL and their heirs ALL THAT piece or parcel of land containing half an acre or thereabouts and being part and parcel of all that section of land containing One hundred and thirty four acres numbered Two thousand one hundred and twelve in the Provincial Survey marked with the letter "B" bounded on the North by a Public road One hundred feet wide, on the South and on the West by other part of the same section and on the East by a road also formed out of the same section As the same piece or parcel of land is more particularly delineated in the plan drawn in the margin of the now reciting Indenture Together also with all timber minerals and appurtenances TO HOLD to the said parties of the other part, their heirs and assigns forever AND WHEREAS since the date executed of the several in part recited Indentures of Conveyance and Deed Poll certain trusts regulations and provisions have been agreed upon by the Lord Bishop of Adelaide Clergy and Laity of the United Church of England and Ireland in the Diocese of Adelaide in Synod assembled as the trusts regulations and provisions which shall regulate the tenure management and disposal of such Church property as aforesaid AND WHEREAS it is desirable for the better regulation and management of the affairs of the Church of Saint Paul's that the trusts regulation and provisions herein before referred to should be partially adopted in the affairs of the Church, and the said

THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK and JAMES FARRELL have therefore determined to execute the Declaration of Trust herein after contained NOW NO YE that it is hereby declared and agreed between and by the said THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK and JAMES FARRELL and the survivors and survivor of them and the heirs of such survivor that they the said THOMAS LIPSON, JOHN NEWMAN, ROBERT RICHARD TORRENS, CHARLES SIMEON HARE, WILLIAM JOHN WOODCOCK and JAMES FARRELL and the survivors and survivor of them and their heirs of such survivor shall stand seized and possessed of the lands by the said herein before in part recited Indentures conveyed TOGETHER with the church and all other Edifices and Erections thereon erected and built UPON THE TRUSTS and with under subject to the powers provisions and declarations herein after contained expressed or declared of and concerning the same, that is to say Upon trust to permit the same to be used occupied and enjoyed by the persons and in manner and subject to the conditions and regulations set forth in the Schedules hereunto subscribed or annexed.

SCHEDULE A Referred to in the before written Indenture setting forth the fundamental Provisions of the Trusts of Parochial Churches in union with Synod.....VACANCIES IN TRUSTEES TO BE FILLED UP BY VESTRY. Church to be dedicated as a place of Public Worship Proviso in case of Incorporation – Vestry then to act:-

1. All vacancies in the number of Trustees as they may occur from time to time shall be filled up with all convenient speed by the Vestry for the time being to be specially convened for the purpose, and the Church erected on the land shall be dedicated as a place for the performance of Divine Service According to the Book of Common Prayer, Offices, Ritual and Doctrine of the United Church of England and Ireland, Provided always that in case the Church shall be incorporated under provisions of any special or general Act of Parliament in force for the time being in South Australia, the lands and other property of such Church shall be held by and in the name of the Corporation, in pursuance of the provisions of such Act, subject to the regulations herein set forth, so far as the same shall be applicable and the powers and duties of the Trustees shall upon such incorporation cease, and the same shall and may be exercised and discharged by and devolve upon the persons for the time being constituting be designated the SELECT VESTRY, to be appointed as herein after provided, and in all cases where it is provided in these regulations or in the regulations contained in Schedule B that the Trustees shall or may do any act, or exercise any power, with or without the concurrence or consent of the Vestry, such act or power may after such incorporation be performed or exercised by such Select Vestry alone.

#### TRUSTEES TO BE MEMBERS OF THE CHURCH OF ENGLAND

2. The Trustee or Trustees shall be Members of the United Church of England and Ireland and before acting shall sign a declaration to that effect according to the form for the time being used in the Synod.

#### DISQUALIFICATION OF TRUSTEES

3. Ceasing to reside in South Australia, Secession from the United Church of England and Ireland, refusing to sign such declaration as last aforesaid, resignation, refusal to act, insanity, insolvency, felony, or any vote of want of confidence passed by the Vestry at two consecutive meetings shall all disqualify for the Office of Trustee. And upon the happening of any such event aforesaid the Trustee absenting himself, seceding, refusing to sign the declaration, resigning, refusing, becoming insane, insolvent, committing felony as aforesaid or in respect of whom any such vote as aforesaid shall be passed, shall ipso facto cease to be a Trustee, and the Vestry shall proceed with all convenient speed to fill up the vacancy.

#### CONSTITUTION OF VESTRY

4. There shall be a Vestry for the management of the affairs of the Church, and such Vestry shall consist of the Minister, Churchwardens and Members of the Congregation being seat holders to be convened from time to time by public notice. Provided always that in case the office of Minister or Churchwardens or either of such offices shall at any time be vacant, the continuing members of the Vestry may exercise all the power of a vestry, notwithstanding any such vacancy, and in case the Church shall at any time be Incorporated, a Select Vestry shall be appointed for the management of the affairs of the Church in manner herein after provided.

5. At all Vestries, whether general or select (except as in such cases as are hereafter mentioned) the Minister holding the Licence of the Bishop if present and declining to act shall have the right (ex Officio) of presiding as Chairman, and in during the sitting of such Vestry it shall be requisite to bring forward any questions relating to the future collection or the appropriation of money or the auditing of accounts relating to past expenditure, then the Vestry shall resolve itself to Committee before any such question shall be brought forward for discussion, and shall appoint a Chairman who may either be the Minister or any Member of the Vestry, and a record shall be kept of all the proceedings of the Vestry, which shall remain in the Church and be open at all reasonable times for the inspection of any Vestryman.

TRUSTEES TO PERMIT DIVINE SERVICE &c. TO BE PERFORMED IN THE CHURCH

6. The Trustee or Trustees or Corporation as the case maybe shall permit to be performed in the said Church Divine Services and all Offices Episcopal and other according to the Book of Common Prayer Offices and Ritual Doctrine and usages of the United Church of England and Ireland.

AND TO ADMIT THE INCUMBENT

7. The trustee or Trustees or Corporation shall admit the Incumbent Minister who shall be in Priest's Orders, provided he shall have signed an undertaking or engagement in the form or to the effect contained in the Schedule to these Fundamental Provisions annexed, and when duly presented by the Patron or Patrons to the Incumbency and licensed by the Bishop thereto, to exercise his Office in the said Church, or any other duly licensed Officiating Minister. And shall give effect to the sentence of suspension or withdrawal of license by the Bishop, if such sentence shall at any time be pronounced in accordance with the Fundamental Provisions of the Diocese.

AND TO PERMIT INCUMBENT TO OCCUPY PARSONAGE

8. The Trustee or Trustees or Corporation shall permit the duly licensed Incumbent to occupy the Parsonage and to appropriate for his maintenance the process of the Benefice in manner herein provided.

DURING VACANCY BISHOP TO APPOINT

9. During the vacancy of the Benefice, the Bishop or Ordinary shall have the power to appoint some person to officiate in the Church; and when twelve months shall have lapsed after he has notified a vacancy to the parties in whom the patronage is vested in default of presentation shall have the power for that time only to appoint an Incumbent.

TRUSTEES MAY ALTER REGULATIONS IN SCHEDULE "B"

10. The trustee or Trustees or Corporation shall have full power to alter, revoke or add to with consent of Vestry and Synod testified by signature of the Bishop, countersigned by the Secretary any of the Regulations contained in Schedule "B" to this indenture annexed, and any regulation made under this present power. Provided always that the Church shall be held subject to the jurisdiction of the Bishop of the Diocese for Divine Service according to the Book of Common Prayer Offices and Ritual and Doctrine of the United Church of England and Ireland, and all other the Trust or Corporation property shall be limited to the users of the said Church and to and for the purposes of the herein before written Indenture expressed or contained in connection with the said Church or such and so many of such uses and purposes as shall be applicable for the time being.

TRUSTEES OF SCHOOLHOUSE

11. In case a Schoolhouse shall be erected on the land comprised in the herein before written Indenture the same shall be occupied used and enjoyed for the purpose of the EDUCATION of the young in accordance with the principles of the United Church of England and Ireland, in such manner as the vestry shall from time to time prescribe. The entire control of such School and the receipt and appropriation of monies (if any) arising there from and the appointment and removal of a Master or Matron shall rest with the3 Minister and Churchwardens, or in case of Incorporation with the Select Vestry.

GENERAL POWERS OF VESTRY

12. In all cases not herein specially provided for the Vestry shall direct how and what manner the Trusts of the said Indenture shall be executed, and shall have the general management control and appropriation of the trust property.

WHEN CHURCH INCORPORATED VESTRY TO MANAGE AFFAIRS

13. In case the Church shall be incorporated the management of the affairs of the Corporation shall vest in the Vestry, and a Select Vestry to be constituted as herein after provided in Schedule "B" to this indenture annexed with such powers respectively as are therein set forth.

ALL PROPERTY IN THESE PRESENTS TO VEST IN CORPORATION

In case the Church shall be Incorporated all the property by this Indenture conveyed, and all buildings thereon shall be deemed part of the Corporation property and shall vest in the Corporation accordingly.

**SCHEDULE OF FUNDAMENTAL PROVISIONS.**

I, A. B. of....., do hereby engage to give up to the Trustee or Trustees or Corporation as the case may require on demand of the Bishop or the Trustee or Trustees or Corporation possession of all the real and personal estate and effects which I may hold or be entitles to by virtue of my Office at the time, if and when sentenced according to the fundamental Provisions of the Diocese to deprivation or suspension and that I will in all other respects conform to and abide by the said Provisions. And in order to facilitate the recovery of possession by the said Trustee or Trustees or Corporation of the said both real and personal estate I hereby admit myself to be a tenant at will thereof to the said Trustee or Trustees or Corporation. As witness my hand this                      day of                      , 18 .

**SCHEDULE B.** Referred to in the before written Indenture setting forth the Regulations not Fundamental to be observed in the Government and the Management of Parochial Churches.

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VESTRY IO MEET IN EASTER WEEK – TWO CHURCHWARDENS TO BE APPOINTED

1. The Vestry shall meet in Easter week and two Churchwardens who it is desirable shall be Communicants shall then be appointed, one by the Minister and the other By the Vestry. Provides always that if any such Vestry Meeting or any other meeting convened for the election of Churchwardens or at which Churchwardens might be appointed, the Minister shall neglect or refuse to appoint a Churchwarden, then the Vestry shall have full authority to nominate a Churchwarden on behalf of the Minister, and in case at any such meeting as aforesaid the Vestry shall neglect or refuse to appoint a Churchwarden the Minister shall have full authority to nominate a Churchwarden on behalf of the Vestry. And in case no nominations shall be made at any such meeting or such meeting shall not be held, it shall be lawful for the Ordinary of the Diocese for the time being to appoint any two persons to act as Churchwardens until such officers shall be duly appointed.

VACANCIES IN THE OFFICE OF CHURCHWARDENS – HOW FILLED UP

2. In case of a vacancy in the Office of Churchwarden such vacancy shall be filled up at the next Vestry Meeting, and the Minister shall nominate a qualified person to fill such vacancy, if the Churchwarden whose place is to be supplied were the nominee of the Minister, but in case the Churchwarden shall have been nominated by the Vestry, then the Vestry shall fill up the vacancy.

FINANCIAL AFFAIRS OF THE CHURCH TO BE MANAGED BY THE VESTRY

3. The vestry shall have the entire management of the financial affairs of the Church as regards the appropriation of all voluntary contributions made either during Divine Service or otherwise other than Sacramental Offerings and Special Offerings of the people made for purposes disconnected with the Church or Parish, and shall pay all expenses of lighting , cleansing, and keeping the repair the Church and Churchyard, and shall provide all things necessary for the decent performance of Divine Service and the administration of the Sacraments, and shall pay the salaries of such officers or Servants as shall be appointed.

MINISTER TO APPOINT SEXTON &c.

4. The Minister for the time being shall have the power to appoint and remove the Sexton, Pew Openers, or any other such officers as it may be deemed advisable to appoint, but the salaries of these officers shall be fixed by the Vestry at the Annual Meeting.

CHURCHWARDENS TO LET PEWS

5. The Churchwardens shall have the power to let the seats in the said Church for a period not exceeding twelve months, and shall collect the Pew Rents and pay them over to the Minister (to whom they shall of right belong) subject to a reduction for the expense of collection (and Insurance of the Parsonage if necessary) not exceeding in the aggregate ten pounds per cent upon the amount collected, and the pew-rents shall in all cases be payable in advance.

VESTRY TO FIX THE RATES

6. He Vestry shall fix the rate at which the seats shall be let, and such rates shall not be altered except by Vestry with the consent of the Minister and Bishop: Provided however that in case of any differences arising on this point the matter shall be referred to Synod for final decision.

ACCOUNTS TO BE SUBMITTED TO EASTER VESTRY

7. All accounts shall be audited and presented to the Easter Vestry for the purpose of being passed.

HOW VESTRY MEETINGS TO BE CONVENED

8. The Minister or on his refusal the Churchwardens or on their refusal any five Vestrymen shall have the power to call a Vestry at any time by Public Notice, specifying the object of such Vestry Meeting on the Church doors on two successive Sundays, and no Vestry shall be adjourned or dissolved except by vote of the majority unless the business for which it shall have been convened shall have been transacted.

COMMITTEE TO BE CHOSEN AT EASTER VESTRY TO CONCUR IN NOMINATING MINISTER.

UNLESS PATRONAGE OTHERWISE PROVIDED FOR.

9. A committee Meeting of five persons in number being Communicants shall be chosen annually at the Easter Vestry to act in conjunction with the Trustees and Churchwardens in nominating a Minister in case of vacancy. Provided always that in the event of the Incorporation of the Church the nomination of a Minister shall vest in the Select Vestry to be appointed under the provisions of this Indenture.

TRUSTEES TO APPROPRIATE LAND

10. The trustees with the consent of the Vestry shall be at liberty to set apart a portion of the land vested in them and subject to any special trusts for the Parsonage House Glebe or School for the instruction of children in accordance with the principles of the United Church of England and Ireland, and the said Trustees shall be direction of Vestry have full power to let on building or other lease without taking any fine, premium or foregift in respect thereof unless with the consent of the Vestry and Bishop for a period not exceeding twenty one years any land not appropriated to the above purposes and the incomes arising there from shall be at the disposal of the Vestry from year to year for payment of Incumbent Minister to other religious or educational purposes subject to an appeal to Synod on the part of the Trustees or any of them or the Minister and the decision of the Synod shall be final.

SELECT VESTRY TO BE APPOINTED

11. In case the Church shall be Incorporated a Vestry shall be convened as soon after such Incorporation as shall be convenient and as reasonable be had and at such meeting four adult male communicants of the Church having previously consented to act shall be elected by the Vestry, who together with the Minister and Churchwardens of the Church shall constitute a Select Vestry. And the persons so elected shall continue in office until the Easter Meeting of the Vestry thence next ensuing, when a fresh election shall take place, but such persons shall be re-eligible and in all case shall continue in Office until others are appointed in their stead. And such Select Vestry shall have all the powers of this Indenture given to the Vestry therein mentioned except as to the appointment of the Churchwardens and the exercise of the powers hereinbefore given to the General Vestry at the Easter Meeting herein before provided to be held. And at every meeting of

Vestry whether general or Select, the votes of a majority of the persons present except the Chairman, who shall have a casting vote only, shall decide every question before such Vestry Meeting. Four to form a Quorum.

FORM OF NOMINATION OF MINISTER

12. The nomination of a Minister to any church shall be in the form or to the effect following (that is to say):-

To the Right Reverend  
The Lord Bishop of Adelaide  
We the undersigned  
To select and nominate a Minister to  
nominate Reverend  
that he may be forthwith duly licensed to the Incumbency thereof

by Divine permission  
duly authorised  
Church at  
to be Minister at the said Church and do pray  
do hereby  
A.D.

Dated this                      day of  
(signatures)

IN WITNESS Whereof WE THE said Thomas Lipson, John Newman, Robert Richard Torrens, Charles Simeon Hare, William John Woodcock and James Farrell, have hereunto set our hands and seals this fifteenth day of December in the year of Our Lord One Thousand Eight Hundred and Sixty.

(Signed) Thomas Lipson.                      (Signed) Robt. Torrens.                      (Signed) W. J. Woodcock.

(Signed) John Newman.                      (Signed) C. S. Hare.                      (Signed) Jas. Farrell.

Signed sealed and delivered by the within names Robert Richard Torrens in the presence of

(signed) Henry P. Denton

Signed seal and delivered by the within names Thomas Lipson, Charles Simeon hare and James Farrell in the presence of

(signed) Henry B. James

Signed sealed and delivered by the within named John Newman in the presence of

(signed) Geo. M. Nobes, Clerk to

Mr. H. B. James, Solicitor. Port Adelaide

Signed sealed and delivered by the within named William John Woodcock in the presence of

(signed) Jas. Dempster.

DATED 15<sup>TH</sup> DECEMBER, 1860