
*St. Saviour's, Redfern, and Home Mission Society Variation of
Trusts Ordinance 1948.*

No. 6, 1948.

AN ORDINANCE varying the trusts affecting certain lands at Redfern in the County of Cumberland and the Parish of Alexandria held upon trust for St. Saviour's Parish, Redfern, and also varying the trusts affecting certain moneys held for the benefit of the Home Mission Society.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) is registered as the proprietor of an estate in fee simple in certain land situate in the County of Cumberland Parish of Alexandria and Municipality of Redfern having a frontage of about ninety-nine (99) feet to Young Street by a depth through to Marriott Street along a lane of about two hundred and sixty-six (266) feet nine (9) inches and a frontage to Marriott Street of about ninety-nine (99) feet which land is the whole of that comprised in Certificate of Title Registered Volume 808 Folio 204. AND WHEREAS the said land is now held by the Property Trust upon trust for the Church of England in the Parish of St. Saviour, Redfern, and there is erected on part of the said land having a frontage to Young Street aforesaid the Church of St. Saviour and also the Parish Hall of such Church. AND WHEREAS part of the said land having a frontage of about ninety-nine (99) feet to Marriott Street by a depth of about eighty (80) feet which part is more particularly described in the Schedule hereto was on the thirty-first day of March One thousand nine hundred and fifteen in pursuance of the powers conferred by the Ordinance of Synod known as "St. Saviour's Redfern Leasehold Ordinance, 1910" leased by the Property Trust to Joseph Alfred Smith and Leslie Bertram Tomes by Memorandum of Lease Number A187028 for the term of forty-six years from the first day of February One thousand nine hundred and fifteen. AND WHEREAS the said lease is now vested in Anna Louisa Smith as the Executrix of the Will of the said Joseph Alfred Smith now deceased. AND WHEREAS the Lessees under the said lease have made default in the payment of the rent reserved thereby and there is now a considerable sum owing under such lease as and for arrears of rent. AND WHEREAS the present Lessee of the land described in the Schedule hereto is unable to pay the arrears of rent owing

*St. Saviour's, Redfern, and Home Mission Society Variation of
Trusts Ordinance 1948.*

under the said lease and she has requested the Property Trust to accept a surrender of such lease. AND WHEREAS the land described in the Schedule hereto is vacant and it is not required for the purposes of the Parish of St. Saviour, Redfern, but it is a suitable site for the purposes of the work and activities of The Home Mission Society of the Diocese of Sydney and the Rector and Churchwardens of the said Parish have consented to the said land being henceforth used for such lastly mentioned purposes. AND WHEREAS the Church of St. Saviour, Redfern, and the other church buildings and property of St. Saviour's Parish, Redfern, are in need of extensive repairs. AND WHEREAS the Property Trust holds as Trustee for and on behalf of the said Home Mission Society the sum of One thousand two hundred pounds (£1,200) which could be made available for the purpose of providing for the cost of effecting repairs to the said Church of St. Saviour, Redfern, and the other church buildings and property of St. Saviour's Parish, Redfern, and for other purposes in connection with such Parish. AND WHEREAS the said Home Mission Society has consented to the said sum of One thousand two hundred (£1,200) being made available for such lastly mentioned purpose. AND WHEREAS the Rector and Churchwardens of the said Parish and the said Home Mission Society respectively have requested the Standing Committee of the Synod of the Diocese of Sydney to vary the trusts upon which the land described in the Schedule hereto and the said sum of One thousand two hundred pounds (£1,200), respectively are held so that the said land shall be henceforth held by the Property Trust upon trust for the purposes of the said Home Mission Society and the said sum of One thousand two hundred pounds (£1,200) shall henceforth be held by the Property Trust upon trust for the purposes of the said Parish as hereinafter declared. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts affecting the land described in the Schedule hereto it has become expedient for the trustee of such land to accept a surrender of the aforesaid lease Registered Number A187028 of the land described in the Schedule hereto and the Property Trust or other the Trustee for the time being of the said land is hereby authorised to and may accept a surrender of such lease.

*St. Saviour's, Redfern, and Home Mission Society Variation of
Trusts Ordinance 1948.*

2. By reason of circumstances subsequent to the creation of the trusts affecting the land described in the Schedule hereto it is hereby declared that it has become inexpedient to carry out or observe such trust or to deal with or apply the said land or any part thereof for the use or benefit of the Church of England in the Parish of St. Saviour, Redfern. And it is hereby declared subject to the provisions of Clause 4 of this Ordinance and also subject to the variation of the trusts provided for in Clause 3 of this Ordinance becoming operative that the land described in the Schedule hereto shall be held by the Property Trust or other the Trustee thereof for the time being upon trust to permit the same to be used by or for the benefit purposes or uses of the said Home Mission Society instead of upon trust for or for the use benefit or purposes of the Church of England in the Parish of St. Saviour, Redfern.

3. By reason of circumstances subsequent to the creation of the trusts affecting the said sum of One thousand two hundred pounds (£1,200) it is hereby declared that it has become inexpedient to carry out or observe such trusts. And it is hereby declared subject to the provisions of Clause 4 of this Ordinance and also subject to the variation of the trusts provided for by Clause 2 of this Ordinance becoming operative that such sum of One thousand two hundred pounds (£1,200) shall instead of being held upon trust for the purposes of the said Home Mission Society be held by the Property Trust or other the Trustee for the time being thereof upon trust for the use benefit or purposes of the Church of England in the Parish of St. Saviour, Redfern, to be applied by the Property Trust or other the Trustee thereof in the manner following that is to say:—

- (a) Firstly:—In payment of the costs fees charges and expenses of and incidental to this Ordinance and of and incidental to carrying the same into effect and of the costs fees and expenses which have been or which shall be incurred by the Property Trust in connection with the land described in the Schedule hereto.
- (b) Secondly:—In payment of the arrears of Synod Assessment and Special Assessment for Clergy Widows and Children due by the said Parish as at 31st day of March One thousand nine hundred and forty-eight.

*St. Saviour's, Redfern, and Home Mission Society Variation of
Trusts Ordinance 1948.*

- (c) Subject to and after the payments directed by Paragraphs (a) and (b) of this clause in payment of the cost of carrying out and effecting such repairs and renovations to the said Church of St. Saviour, Redfern, and to other Church buildings and property of the Parish of St. Saviour, Redfern, as shall be determined upon by the Rector and Parish Council of the said Parish and approved by the Standing Committee.

4. Clauses 2 and 3 of this Ordinance shall not become operative or have any force or effect unless and until the aforesaid lease is effectually surrendered to the Property Trust so that the land described in the Schedule hereto shall be vested in the Property Trust free from the said lease and from all the estate or interest of the lessee under the said Memorandum of Lease but upon the said lease becoming effectually surrendered to the Property Trust so that the Property Trust shall hold the land described in the Schedule hereto free from the said lease and from any estate or interest of the Lessee under the said Memorandum of Lease the said Clauses 2 and 3 shall subject as therein respectively provided thereupon and thereafter have full force and effect.

5. Upon and after the variation of the trusts affecting the land described in the Schedule hereto as provided for by Clause 2 of this Ordinance becoming operative the powers conferred by the aforesaid "St. Saviour's Redfern Leasehold Ordinance 1910" shall cease and determine.

6. This Ordinance shall be styled and cited as "St. Saviour's, Redfern, and Home Mission Society Variation of Trusts Ordinance 1948."

THE SCHEDULE HEREINBEFORE REFERRED TO:

All that piece or parcel of land situate in the County of Cumberland Parish of Alexandria and Municipality of Redfern being part of the land comprised in Certificate of Title Registered

*St. Saviour's, Redfern, and Home Mission Society Variation of
Trusts Ordinance 1948.*

Volume 808 Folio 204 commencing at a point at the Western side of Marriott Street at its intersection with the Southern side of a lane 20 feet wide being the North Easterly corner of the land comprised in the said Certificate of Title and bounded on the East by Marriott Street bearing Southerly about 99 feet on the South by a line bearing Westerly being part of the Southern boundary of the land comprised in the said Certificate of Title 80 feet on the West by a line bearing Northerly about 99 feet to the aforesaid lane and on the North by the South side of that lane bearing Easterly 80 feet to the point of commencement.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 3rd day of May, 1948.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

C. VENN PILCHER, Bishop.