



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

PRIVATE ACT.

AN ACT to empower the Diocesan Trustees of the Church of England in Western Australia to sell, mortgage, or lease Perth Allotments H 7 and H 1, and to apply the proceeds or rents and profits thereof subject to and in accordance with certain trusts.

[Assented to, 27th October, 1896.]

WHEREAS under and by virtue of an Act passed in the forty-ninth year of the reign of Her present Majesty, numbered 19, intituled An Act to dissolve the Corporation of "The Governors of the Perth Church of England Collegiate School," and for other purposes, all those lands and hereditaments known in the books of the Survey Office as Perth Allotments H 7 and H 1, together with the buildings thereon, and all rights, easements, and appurtenances thereto belonging, were vested in and declared to be thenceforth held and applied by "The Standing Committee of the Synod of the West Australian Branch of the Church of England," for such educational purposes as such Committee should consider to be most nearly in accordance with the objects for which the said School was originally established.

Preamble.
49 Vic., 19.

Lands vested in
Standing Committee
on certain trusts.

60° VICTORIÆ, PRIVATE ACT.

Church of England School Lands.

Limited power to borrow, and to lease for certain purposes.

And whereas, by the said Act, the said Standing Committee were, amongst other things, empowered to raise by mortgage of the said lands, tenements, and hereditaments, sufficient funds, not exceeding Fourteen hundred pounds, for the re-payment to the Right Reverend Henry Hutton Parry, Bishop of Perth (since deceased), of certain moneys expended by him in building upon, repairing and improving the said lands, tenements, and hereditaments, with the interest due on such moneys; and the said Committee was also empowered to lease the said lands, tenements, and hereditaments, or any part thereof, for any term not exceeding seven years, and to appropriate the whole of the rents, issues, and profits thereof towards paying the interest due upon any moneys raised upon mortgage, and towards paying off and reducing the moneys so raised until the said moneys and interest should be fully paid.

52 Vict., 2.

Lands vested in Diocesan Trustees.

Diocesan Trustees substituted for Standing Committee in 49 Vict., 19.

And whereas under and by virtue of an Act passed in the fifty-second year of the reign of Her present Majesty, numbered 2, intituled an Act to repeal the Act 38 Victoria, No. 18, and to incorporate a new body of Trustees of the Church of England in Western Australia, all the lands or other property then vested in the said Standing Committee (which included the said Perth allotments H 7 and H 1) were vested in the Diocesan Trustees of the Church of England in Western Australia for the time being for the same estate as such lands and property were then held by the said Standing Committee, but upon and subject to all trusts, covenants, contracts, and liabilities affecting the same; and by the said last-mentioned Act it was enacted that the words "Standing Committee" in the 49th Victoria, No. 19, in part hereinbefore recited, should be read and taken to mean the Diocesan Trustees of the Church of England in Western Australia, and that all rights, powers, privileges, and discretions by the said Act conferred, and all duties thereby imposed upon the said Standing Committee should be enjoyed, exercised, and performed by the said Diocesan Trustees.

Mortgage by standing committee.

Repayment of mortgage and discharge.

And whereas the said Standing Committee raised the sum of Fourteen hundred pounds, by mortgage of the said Perth allotments H 7 and H 1, and therewith paid the said Right Reverend Henry Hutton Parry all moneys due to him as aforesaid, and have since repaid the said sum of Fourteen hundred pounds to the mortgagee, out of moneys belonging to them on another account, and have obtained a discharge of such mortgage and a reconveyance of the said property.

Further sum of £360 expended by Bishop Parry.

And whereas the said Right Reverend Henry Hutton Parry expended, over and above the sum of Fourteen hundred pounds hereinbefore mentioned, the further sum of Three hundred and sixty pounds in building upon, repairing, and improving the said lands and hereditaments, which last mentioned sum belonged to and was part of a

60° VICTORIÆ, PRIVATE ACT.

Church of England School Lands.

Fund in the hands of the said Henry Hutton Parry, called The Native and Half-caste Mission Fund, and the said sum of Three hundred and sixty pounds has never been repaid to the said Fund:

And whereas the said Standing Committee and the said Diocesan Trustees have applied the rents, issues, and profits of the said lands and hereditaments towards keeping down the interest on the said sums of Fourteen hundred pounds and Three hundred and sixty pounds, and in maintaining and repairing the buildings on the said lands, and all interest on the said sums has been duly paid:

Rents heretofore applied to paying interest and repairs.

And whereas the said sums of Fourteen hundred pounds, and Three hundred and sixty pounds, and the interest to accrue due thereon respectively, constitute a charge upon the said lands and hereditaments:

Lands now subject to charge of £1,760 and interest.

And whereas the said Diocesan Trustees are desirous of obtaining power to sell, and extended powers of mortgaging and leasing the said allotments as to them may seem most expedient for the purpose of raising funds to liquidate the said charge on the same and towards the establishment of a Grammar School for Boys, and it is expedient to confer such powers: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited, for all purposes, as the Church of England School Lands Act, 1896.

Short Title.

2. THE Diocesan Trustees of the Church of England in Western Australia may at any time hereafter sell the said Perth allotments H 7 and H 1, or any part or parts thereof, with the appurtenances, and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from the trusts to which the said lands and hereditaments are now held by them, and no purchaser shall be concerned to see to the application of his purchase money or be affected by any notice of the non-application or misapplication thereof.

Power to Trustee to sell.

3. THE power to mortgage the said lands and hereditaments contained in the Fourth Section of the said Act, 49 Victoria, No. 19, may be exercised by the said Diocesan Trustees in respect of any sum of money, notwithstanding the limit of Fourteen hundred pounds thereby imposed.

Power to mortgage extended.

60° VICTORIÆ, PRIVATE ACT.

Church of England School Lands.

- 4.** THE power to lease the said lands and hereditaments or any part thereof contained in the Sixth Section of the said last-mentioned Act may be exercised by the said Diocesan Trustees for any term of years, notwithstanding the limit of seven years thereby imposed.
- 5.** THE proceeds of the sale of the said lands and hereditaments or of any part thereof, and all moneys raised on mortgage thereof, or of any part thereof, and all rents, issues, and profits received therefrom by the said Diocesan Trustees and the interest of any such moneys may be applied by such Trustees, after payment of all costs and expenses of and incidental to the maintenance and repair of the buildings on the said lands, and the sale, mortgaging, or leasing thereof, in the first place to the repayment of the said sums of One thousand four hundred pounds and Three hundred and sixty pounds, and all interest to accrue due thereon respectively, now forming a charge on the said lands and hereditaments as aforesaid, and secondly to the purchase of other lands in fee simple in the city of Perth or elsewhere in Western Australia, and so far as such moneys may extend in building upon and otherwise improving such other lands, and in repairing and maintaining such buildings and improvements, and all lands so purchased by the said Trustees shall be held by them upon and subject to the same trusts as those upon and subject to which the said Perth Allotments H 7 and H 1 are now held by the said Trustees.
- Provided that the Trustees may invest any moneys coming to their hands under the provisions of this Act on mortgage of freehold lands in Western Australia, or the purchase of Government or Municipal debentures, and may apply the interest of such moneys towards the maintenance of the said proposed Grammar School in such manner as the Trustees may think fit.
- 6.** SECTIONS five and seven of the Act 49th Victoria, No. 19, are hereby repealed.

Power to lease extended.

Application of moneys.

Trustees may purchase other lands;

may build and improve,

but subject to present Trusts.

Trustees may invest moneys.

Application of interest to maintenance of school.

Repeal.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.