

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 2

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.

[Assented to 21st November, 1888.]

Preamble

WHEREAS by an Act of the Legislative Council of this Colony, the 38 Victoria, No. 18, it was provided that the Standing Committee for the time being of the Diocesan Synod of the branch of the Church of England in Western Australia should be incorporated, and should have power to hold lands and other property in Trust for the said Church; And whereas the Synod of the said Church are desirous of having Statute 38 Victoria, No. 18, incorporating the said Standing Committee as Trustees of the said Church, repealed; And that the said Standing Committee should cease to be Trustees of the said Church, and that another body of Trustees be incorporated in their place: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with

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the advice and consent of the Legislative Council thereof, as follows:—

1. The Ordinance 38th Victoria, No. 18, intituled 'An Act for the Incorporation of the Standing Committee of the Diocesan Synod of the branch of the Church of England in Western Australia,' is hereby repealed.

38 Vic., No. 18,
repealed

2. The Right Reverend Father in God Henry Hutton Parry, Doctor of Divinity, Lord Bishop of Perth; the Very Reverend Frederick Goldsmith, Dean of Perth; the Venerable James Brown, Archdeacon of Perth; Mr. Justice Edward Albert Stone; the Honourable Anthony O'Grady Lefroy, Esquire; and William Thorley Loton, Esquire, and their successors as appointed by Statute of the Synod, or to be appointed in accordance with the provisions of any Statute of Synod to be made and enacted hereafter, shall be and are hereby constituted a Corporation, by the name and style of 'The Diocesan Trustees of the Church of England in Western Australia'; and by that name shall and may have perpetual succession and a common seal, to be by them from time to time altered as they shall think fit, and by the same name to sue and be sued, plead and be impleaded, in all Courts of Law and Equity, and shall exercise all the powers and perform all the functions and duties by the Statutes of Synod, now or hereafter to be enacted, directed and empowered and intended to be performed by the said Trustees; and the said Trustees shall have full power to acquire and hold for the said Church, by purchase, devise, or otherwise, all lands, tenements, and hereditaments, whatsoever of every tenure, and also all personal estates, and of conveying, assigning, demising, or otherwise disposing of such real and personal estate, and shall also have power to borrow and take up at interest any sum or sums of money for the purpose of erecting or improving, or aiding in erecting or improving, Churches, Parsonage Houses, or other buildings, or in the improvement of any freehold property: and for any such purpose to mortgage by deed under the said corporate seal such portions of the said lands, tenements, and hereditaments as may be necessary for securing the repayment of such moneys with interest thereon. And the said Trustees shall have power to take, hold, employ, and invest all such real and personal estate as they shall deem advisable and shall be thereunto authorised by Statutes of Synod as aforesaid;— but nevertheless only for the purposes of the branch of the Church of England in Western Australia, subject to the performance of any Trusts upon which the said lands, tenements, hereditaments, and personal estate may have been acquired, and subject in all respects to the Statutes, orders, directions, and regulations of the said Synod. Provided always that no lands which have been, or shall, or may be hereafter given or granted by the Crown to or for the use or benefit of the said Church, without pecuniary consideration therefor, shall be conveyed, transferred, mortgaged, sold, or otherwise disposed of except with the consent of the Governor.

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3. All lands or other property now vested in the said Standing Committee, shall be and the same are hereby 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 are now held by

Church lands
vested in Stand-
Committee
transferred to
Diocesan
Trustees

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the said Standing Committee, but upon and subject to all trusts, covenants, contracts, and liabilities affecting the same.

4. The Diocesan Trustees of the Church of England in Western Australia shall be liable upon and entitled to the benefit of all contracts, bonds, covenants, agreements, and engagements made, executed, or entered into by the said Standing Committee with any person, corporation, or company, or by any person, corporation, or company with the said Standing Committee, in the same manner and as fully as if the said Diocesan Trustees were originally parties to the same contracts, bonds, covenants, agreements, and engagements in place of the said Standing Committee.

5. The words 'Standing Committee,' in 49th Victoria, No. 19, shall be read as and taken to mean the Diocesan Trustees of the Church of England in Western Australia, and all rights, powers, privileges, and discretions thereby conferred, and all duties thereby imposed upon the said Standing Committee shall be enjoyed, exercised, and performed by the said Diocesan Trustees.

F. NAPIER BROOME,
GOVERNOR.
