



WESTERN AUSTRALIA.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

No. II.

AN ORDINANCE to enable the Denomination of Christians called Methodists to hold Lands, to raise Money on Security of such Lands, and for other Purposes.

[1st July, 1863.]

WHEREAS a certain Religious Society of non-conformists called "Methodists," having for its Object the Promotion of Christian Faith and Worship, has from Time to Time by purchase, by Grants from the Crown, and otherwise acquired Lands in the Colony. And whereas the said Society is now desirous of selling, exchanging, or raising Money on such Lands, for the Purpose of promoting the said Object, and it is expedient that the said Society should receive all reasonable encouragement: Be it therefore enacted by His Excellency the Governor of Western Australia, and its Dependencies, by and with the Advice and Consent of the Legislative Council thereof:—

Preamble.

1. THAT the said Society shall be, and it is hereby enabled by

Society may hold Lands.

Methodists.

and in the Name of its Trustees or Trustee for the Time being, to accept, take, or hold by purchase or lease, any Estate or Estates in Lands Tenements or Hereditaments of Inheritance, or for Lives or Years, or for Years determinable on the Death of any Life or Lives, and also to accept take and hold all voluntary Grants and Donations of Lands Tenements or Hereditaments, or of any Estate or Interest therein, provided that the same be and be made by Deeds Twelve calendar Months at least before the death of such Grantor or Devisor, including the Days of the Transfer and Death, and of any personal Property or Effects whatsoever, which shall be made to them or their said Trustees or Trustee for the Time being, for the purpose of promoting the objects of the said Society.

Society may sell Lands.

2. THAT the said Society shall be, and is hereby enabled by and in the Names or Name of its Trustees or Trustee for the Time being, in whom any Estate or Estates in Lands and Premises may be vested, at any Time or Times, with the Consent in Writing of the Governor, to dispose of, either by way of Sale or in exchange for other Lands in Western Australia, all or any of the said Lands or Premises, not being or having been used for the Purposes of a Cemetery, for such price or prices, upon such terms, and under such Conditions, as the said Trustees or Trustee for the Time being shall think fit, with Power to buy in or rescind any Contract for Sale or Exchange, of all or any of the said Lands or Premises, and to resell or exchange the same, without being responsible for any Loss which may be occasioned thereby; and the Receipt of the said Trustees or Trustee for the Time being for any Money paid to them or him upon any Sale or for Equality of Exchange, if countersigned by the Governor, shall effectually discharge the Person or Persons paying the same from seeing to the Application thereof, or being accountable for the Non-application or Mis-application thereof.

Trustees to lay out purchase Money in acquiring other Lands.

3. THAT the said Trustees or Trustee for the Time being, with the like Consent as aforesaid, shall and may lay out the Money received, upon any Sale or for Equality of Exchange, in the Purchase of freehold Hereditaments of Inheritance in Western Australia, and shall accept and take the same Hereditaments upon Trust for promoting the Object of the said Society.

May take up Money on Mortgage.

4. THAT it shall be lawful for the Trustees or Trustee for the time being of such Society, in whom any Estate or Estates in any Lands or Premises of such Society may be vested, at any Time or Times, or from Time to Time, to borrow and take up at Interest or otherwise, any Sum or Sums of Money, upon such Lands and Premises, not being nor having been used for the Purpose of a Cemetery, as

27° VICTORIÆ, No. 2.

Methodists.

they shall think proper, and by a Deed or Deeds by them or him executed, to mortgage all or any Part of the said Lands and Premises respectively, as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, and thereon to give any Mortgagee or Mortgagees, any Power of Sale, Power of Distress, or any other usual or reasonable Powers, and by his or their Receipt or Receipts in Writing, for any Mortgage Money, to discharge the Person or Persons paying the same from Responsibility for the Application thereof, or for any Irregularity attending any Mortgage, and from the duty of enquiring whether any such Mortgage is authorised, necessary or proper.

5. THAT all Actions and Suits whatever, against any Person or Persons whether a Member or Members of the said Society or otherwise, and all other Proceedings whatsoever, whether at Law or in Equity, to be commenced or prosecuted by or in Behalf of such Society, or wherein such Society are or shall be in anywise interested or concerned, against any Person or Persons, Body or Bodies corporate or politic, shall and may be lawfully commenced and prosecuted in the Name of the Person who shall be the Treasurer of such Society, at the Time any such Action Suit or other Proceeding shall be instituted, as the nominal Plaintiff Complainant or Petitioner, for and on behalf of such Society, and finally terminated in the Name of such Treasurer, notwithstanding any Change may have been made in the said Office of Treasurer during the Progress of such Action Suit or other Proceeding.

Actions how to be prosecuted.

6. THAT all Actions Suits and other Proceedings, at Law or in Equity, to be commenced and prosecuted against such Society, shall be commenced and prosecuted against the Treasurer thereof for the Time being, as the nominal Defendant, for and on behalf of such Society, and that the Death Resignation or other Act of the Treasurer of such Society, shall not abate any such Action Suit or other Proceeding, but the same may be continued where it left off, and be prosecuted and carried on against such Society, in the Name of such Person who was Treasurer when such Action Suit or other Proceeding was instituted or commenced; Provided always, that every such Treasurer in whose Name any such Action Suit or other Proceeding shall be commenced prosecuted carried on or defended, shall in all Cases be reimbursed and paid out of the Fund of such Society.

Actions against Society, how to be brought.

7. THAT if any Trustees or Trustee for the Time being in whom any Estate in and to any Lands of such Society may be vested, shall depart this Life, be absent from the said Colony more than

Appointment of new Trustees in case of Death, &c.

Methodists.

Three Months, or be desirous of resigning their or his Trust, it shall be lawful for the surviving resident or continuing Trustees or Trustee, to nominate by a Writing under his or their hand or hands, new Trustees or a new Trustee, and the Estate in such Lands of such deceased, absent, or resigning Trustees or Trustee, shall by such Nomination in writing, when filed in the Colonial Secretary's Office, immediately vest in such new Trustee or Trustees without any formal Conveyance or Deed for that purpose.

Mortgage to be approved
by Governor.

8. THAT no Conveyance Mortgage or Deed executed under the Provisions of this Ordinance, shall be valid either in Law or in Equity, unless the same shall be approved and countersigned by the Governor.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council,
this 1st day of July, 1863.*

G. E. HAMPTON,

Clerk of the Council.