



WESTERN AUSTRALIA.

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ANNO VICESIMO-PRIMO VICTORIÆ REGINÆ.

No. XI.

An Ordinance to enable Trustees of Church of England Lands in Western Australia to raise money on security thereof in aid of the erection of Parsonage Houses.

WHEREAS it is expedient to empower the Trustee or Trustees of Lands belonging to any Church or Chapel of the Church of England in Western Australia to raise money on security of a certain portion of such land for the purpose of erecting a Parsonage House on the same, or any other portion of such land; 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.}

I. THAT it shall be lawful for the sole Trustee, or for any two or more of the joint Trustees, in whom respectively any Lands

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Trustee may borrow with concurrence of two-thirds congregation.

belonging to any Church or Chapel of the Church of England in the said Colony, are for the time being vested, with the concurrence of two-thirds of the Pew and Seat Renters of such Church or Chapel assembled at a general meeting to be called as hereinafter provided, to borrow and take up at interest any sum or sums of money on security of any portion of such Lands (not being the site, or part of the site, of a Church or Chapel or yard or inclosure appurtenant and adjoining thereto, and not being part of a Burial Ground,) for the purpose of erecting thereon, or on any other part, (save and except as aforesaid), of the said Trust Lands, a Parsonage House, with convenient out-buildings, yards, inclosures, and other usual appurtenants.

May mortgage.

II. THAT it shall be lawful for the Trustee or Trustees contracting for such loan as aforesaid, by a deed or deeds to be by him or them duly executed, to mortgage any portion, save and except as aforesaid, of such Trust Lands, together with all buildings, if any, erected or to be erected thereon, by means of such loan, as a security to the person advancing the amount of such loan, and to give to such mortgagee any power of sale, or of distress, or any other reasonable and usual power; and the receipt of such Trustee or Trustees, indorsed on any such deed, for the amount of such loan, shall sufficiently discharge such Mortgagee from responsibility for the due application thereof, and from any obligation to inquire whether such mortgage is duly authorised and regular.

Not personally responsible unless specially so expressed.

III. THAT the Trustee or Trustees executing any such Mortgage Deed as aforesaid shall not thereby, or by reason of any covenant, proviso, or other matter therein contained, incur any personal responsibility to the mortgagee or his representatives, unless such Deed shall contain an express stipulation that such Trustee or Trustees shall be so responsible.

General Meeting.

IV. THAT a General Meeting, for the purposes of this Ordinance, of the Pew and Seat Renters of any Church or Chapel may be assembled after fourteen days' previous notice thereof, signed by the sole Trustee, or by any two or more of the joint Trustees of such Church or Chapel, and affixed to the door thereof.

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V. THAT no such mortgage deed as aforesaid shall be valid unless countersigned as approved by His Excellency the Governor. Mortgage deed must be countersigned by Governor.

A. E. KENNEDY,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council this }
23rd day of June, 1857. }*

HENRY WAKEFORD,

Clerk of the Council.