



WESTERN AUSTRALIA.

ANNO QUARTO

VICTORIÆ REGINÆ.

NO. VI.

AN ACT to promote the Building of Churches and Chapels,
and to contribute towards the maintenance of Ministers
of Religion in Western Australia.

WHEREAS for the advancement of the Christian Religion, and
for the encouragement of the observance of Public Worship
in the Colony of Western Australia, it is expedient to issue from the
revenue of the said colony, sums to be applied in aid of the erection
of Churches and Chapels, and of the maintenance of Ministers of
Religion ;—

Preamble.

Regulating the issue of
public money in aid of the
erection of Churches and
Chapels and ministers'
dwellings.

1 BE it therefore enacted by His Excellency the Governor of
the colony of Western Australia and its Dependencies, by and with
the advice and consent of the Legislative Council thereof, That
whenever a sum, not less than £150, shall have been raised by
private contribution and applied towards the building of any Church
or Chapel of a permanent and substantial nature, and a dwelling,
where the same may be deemed necessary, for the officiating minister
thereof, in any part of the said colony, it shall be lawful for the
Governor, with the advice of the Executive Council, by warrant
under

Building of Churches and Chapels.

Proviso limiting the amount.

under his hand, and subject to such regulations for the due appropriation and application thereof, as shall from time to time be made by the said Governor to issue from the Colonial Treasury, in aid of the undertaking, any sum of money not exceeding the amount of the said private contribution; provided always, that the whole amount so to be issued from the Colonial Treasury in aid of such Church or Chapel, or Minister's dwelling, shall not exceed £500, and that no further sum shall be so issued in aid of any further private contribution, unless such further contribution shall be paid up and expended within three years from the date of the first issue from the Colonial Treasury on behalf of the said undertaking; provided further, that nothing herein contained shall prevent, or be construed to prevent, the appropriation for the purposes aforesaid, of any sum by the Governor, with the advice and consent of the Legislative Council.

Ministers' stipends.

2 AND be it further enacted, that it shall be lawful for the said Governor, with the advice of the Executive Council, by warrant under his hand as aforesaid, to authorise from time to time the issue from the Colonial Treasury, of stipends towards the support of the Ministers of Religion, duly appointed to officiate in any churches or chapels already erected and which Trustees shall be appointed for the maintenance thereof as hereinafter mentioned, by virtue of this Act, such stipends being issued at the several rates hereinafter mentioned: that is to say, in case it shall be shewn to the satisfaction of the said Governor and Executive Council, that there is resident within a reasonable distance of the proposed church or chapel a population of 100 adult persons, and such persons shall subscribe a declaration, setting forth their desire to attend such church or chapel, it shall be lawful to issue to the Ministers thereof, from the Colonial Treasury in manner aforesaid £100 a year; and in case there should appear to the said Governor and Executive Council, to be resident as aforesaid, 200 adults, who shall subscribe such declaration, then £150 a year; and in case there should appear to the said Governor and Executive Council, to be so resident, 500 adults who shall subscribe such declaration, then £200 a year, which shall be the highest stipends to be issued from the Colonial Treasury under the provisions of this Act, towards the support of any one officiating minister of religion.

Ministers' stipends in cases where there are not 100 adult persons.

3 PROVIDED always, and be it further enacted, that in case the number of persons by whom or on whose behalf, such declaration as aforesaid shall be subscribed, shall be less than the number of 100 adult persons, it shall nevertheless be lawful for the Governor

Building of Churches and Chapels.

Governor, with the advice of the Executive Council, to cause to be issued a stipend to the minister of any such church or chapel, of £100 a year, if under the special circumstances of the case, the said Governor and Executive Council shall deem it expedient.

4 AND be it enacted, that whenever it shall be made to appear to the Governor and Executive Council, that the number of persons of the religious denomination for whom an issue of money shall have been made from the Colonial Treasury, in aid of the erection of a church or chapel, or minister's dwelling as aforesaid, in any district of the colony, shall have increased therein, then and in such case, upon a declaration subscribed by so many adult persons as would authorise, under the provisions of this Act, the issue of a larger stipend to the minister officiating at such church or chapel, being presented to the Governor and Executive Council, it shall and may be lawful for the Governor, with the advice of the Executive Council, to direct the issue of the stipend proportioned to such increased numbers as hereinbefore provided. Asto the increase of stipends.

5 AND be it enacted, that whenever in any one part of the colony there may be ten heads of families, or twenty-five individuals of twelve years old and upwards, who may sign the required declaration, and amongst whom any sum, not less than £50 per annum, shall be raised by private contributions towards the maintenance of a minister of religion in any part of the said colony in which there shall be no church or chapel at which persons of the creed of such minister can be reasonably expected to attend, and there shall also appear reasonable cause for delaying the erection of a permanent church or chapel for the use of such persons under the foregoing provisions, it shall be lawful for the said Governor, with the advice of the Executive Council, to cause to be issued from the Colonial Treasury, towards the maintenance of such minister, any sum not exceeding £100. Ministers' stipends where there is no church or chapel.

6 PROVIDED always, and be it enacted, that once at least in every year for which the stipend of any minister shall be issued as aforesaid, such proof shall be produced to the said Governor and Executive Council, as they shall require, of the sufficient and regular performance of the duties in respect of which such stipends shall be respectively issued, and if it shall appear to the said Governor and Council that the said duties have been culpably or wilfully neglected, it shall be lawful for the said Governor and Council to withdraw the said stipend for such time as to them shall seem proper. Proof to be adduced of the performance of duties.

Appointment of Trustees.

7 AND be it enacted, that before any sum of money shall be issued from the Colonial Treasury towards the building of any church or chapel and minister's dwelling in the manner aforesaid, trustees not less than Five in number, shall be nominated by the congregation or body for whose use such building may be intended, for the approval of the Governor and Executive Council; and that the trust deed or deed of settlement shall at the same time be exhibited to the Governor and Executive Council; and that the real estate in the site of such church or chapel and minister's dwelling, and of any lands or hereditaments thereunto belonging, shall be conveyed to the said Trustees when approved, and shall be vested in the Trustees for the time being upon trust for the erection, maintenance, and repair of such church or chapel, and Minister's dwelling, and for the provision out of the revenues belonging to, or arising from the use of, the said church or chapel, in such manner as shall be lawfully appointed, of all things necessary for the celebration of Divine Worship therein, and to whom shall be issued, under such regulations for the due appropriation and application thereof as hereinbefore mentioned, all such sums of money as by the provisions of this Act are authorised to be issued in aid of the erection of any church or chapel and minister's dwelling.

How vacancies are to be filled up.

8 AND be it further enacted that, upon the death, resignation, or absence from the Colony, of any of the Trustees so nominated and approved as aforesaid, the vacancy shall be forthwith filled up according to the provisions of the said trust deed, but if no provision shall have been made in the said trust deed for filling up such vacancies, then it shall be lawful for the remaining Trustees to elect some fit and proper person, subject to approval as aforesaid, to fill up the vacancy so created; and they are hereby required to complete the election within three months from the period of such vacancy being made known, and within a reasonable time after the completion of the said election to publish the name of the Trustee so elected in the *Government Gazette* of the Colony, for the information and guidance of all persons whom it may concern: Provided that nothing herein contained shall prevent the appointment of any greater number of Trustees by the congregation or body aforesaid, on any future occasion, upon the names of such additional Trustees being submitted for approval as hereinbefore directed.

Trustees may accept land &c.

9 AND be it enacted, that it shall be lawful for any Trustees appointed by virtue of this Act, to accept and take from any person willing to give the same, any lands or hereditaments adapted for the site of a Church or Chapel, or Minister's dwelling, with a garden and other appurtenances thereunto, or any lands or hereditaments adapted for the purposes of a burial ground.

Building of Churches and Chapels.

10 AND be it further enacted, that as soon as conveniently may be, after the completion of any Church or Chapel under the provisions of this Act, pews, sittings, or benches, in every such Church or Chapel, to be marked with the words "Free Seats," amounting to not less than one-sixth part of the whole of the sittings in every such Church or Chapel, shall be appropriated and set apart for the use of poor persons resorting thereto, upon which pews, sittings, or benches, so to be appropriated, no rent whatever shall at any time be charged or imposed.

As to "Free Seats."

11 AND be it further enacted, that wherever the word "Governor" occurs in this Act, it shall be construed to extend also to any officer administering the Government of this Colony.

The term "Governor" to include the Officer administering the Government.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council, }
the 16th day of July, 1840. }*

WALKINSHAW COWAN,
Clerk of the Council.