



WESTERN AUSTRALIA.
ANNO PRIMO,
VICTORIÆ REGINÆ.
No. I.

An Act to provide for the Appointment of
Trustees of Church Property.

WHEREAS certain Donations and Subscriptions have been given, ^{Preamble,}
or proposed to be given, by several Individuals, in aid of the
Funds; for erecting Churches in this Colony, and it is expedient
to provide Trustees for the custody and management of such Funds, and
for the care and superintendence of such Buildings as may be constructed
therewith, as well as for the general control of any Church Property which
may be committed to their care; and whereas the REV. JOHN BURDETT
WITTENOOM, Clerk, the Honorable FREDERIC CHIDLEY IRWIN, the
Honorable PETER BROWN, the Honorable JOHN SEPTIMUS ROE, the
Honorable GEORGE FLETCHER MOORE, GEORGE LEAKE, Esquire,
MARSHALL MACDERMOTT, Esquire, and HENRY WILLEY REVELEY,
Esquire, have been proposed as fit and proper persons to exercise the said ^{Individuals appointed}
Trusts;—Be it therefore enacted, that the said Individuals before- ^{Trustees of Church}
mentioned shall be, and they are hereby constituted, Trustees of all such ^{Property.}
Church Property for the purposes of this Act.

II. AND be it further enacted, that the right of property in all ^{Right of Property in}
Lands assigned over to such Trustees for Church purposes, as well as in ^{Lands, Churches, &c.}

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all Burial Grounds, Churches, and Church Sites so assigned, and in all Churches and other Buildings erected or to be erected thereon, and in all Donations, Subscriptions, and other Funds destined for the erection and maintenance of such Churches and other Buildings, and in all Furniture, Fittings and Materials in any way used for, connected with, or belonging to the same, shall be vested in the Trustees of Church Property for the time being, under such reservations, restrictions and stipulations as may have been imposed by the Grantees or Subscribers as conditions of their respective Grants or Subscriptions.

vested in the Trustees.

III. AND be it further enacted, that it shall be lawful for the said Trustees to associate to themselves one or more Member or Members in any District, as occasion may require, for the purpose of carrying this Act into execution in such District, on obtaining the sanction of the Governor in Executive Council to the nomination of such Member or Members as may be recommended by such Trustees; provided that the powers of such Member or Members shall be strictly limited to the affairs of the District for which he or they shall have been so nominated.

Trustees to associate Members in Districts.

IV. AND be it further enacted, that, in the event of the number of Trustees being at any time reduced, by death, resignation, absence, or otherwise, below the number of six, or in the event of any vacancies so occurring among the associated Members for Districts, it shall be lawful for the said Trustees to fill up the vacancies in the like manner to the extent of the original number, as provided for in the preceding Clause.

How vacancies to be filled up.

V. AND be it further enacted, that it shall be lawful for the said Trustees, or a majority of them, to appoint from time to time Clerks, Surveyors, Treasurers, and other necessary Officers, and to make all requisite contracts or engagements for the construction, preservation or repair of Churches, or other Buildings connected therewith.

Trustees to appoint necessary Officers.

VI. AND be it further enacted, that it shall be lawful for the said Trustees to regulate and dispose of either by lease, auction, sale, or any other manner which may be deemed advisable, all Pews and Sittings in such Churches, and to make all necessary arrangements for the public convenience and accommodation therein.

Trustees to regulate Pews, &c.

VII. AND be it further enacted, that the said Trustees shall direct their Clerk, or other Officer, to keep a Book or Books, in which shall be entered Minutes of all their Proceedings and Transactions, and an Account of Receipts and Disbursements, and the general state of the funds in their charge; and such Book or Books shall at all reasonable times be open to the inspection of the Public, without fee or reward.

Clerk to keep a Book for entering Minutes of Proceedings and Accounts, &c.

VIII. AND be it further enacted, that it shall be lawful for the Trustees under this Act to sue or be sued in the name of their Clerk, Treasurer, or other Officer for the time being; and no Proceedings by or

Trustees to sue and be sued in the name of Public Officer.

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against the said Trustees shall abate by reason of the death or removal of such Clerk, Treasurer, or other Officer; and that in any Proceedings, Civil, Criminal, or otherwise, by or against any of the Trustees under this Act, he or they shall be sufficiently described as a Trustee or Trustees appointed by virtue of this Act.

IX. AND be it further enacted, that no Trustee shall be held personally liable for payment of any Sum, or performance of any Contract, in respect of any thing done, or to be done, in or about the said Church Property, for which payment or performance he shall not have bound himself, independent of his office, as a Trustee under this Act. Trustees not personally liable.

X. AND be it further enacted, that all the Trusts, Powers, Authorities and Privileges conferred upon the said Trustees by this Act shall cease and be of no effect from and after the passing of any future Legislative Enactment to that effect, and all right of Property hereby vested in such Trustees shall in such case revert to the Crown for public purposes. Powers to cease on passing of future Enactment to that effect.

JAMES STIRLING,
GOVERNOR AND COMMANDER-IN-CHIEF

Passed the Legislative Council }
this 15th day of June, }
1838. }
ANDREW STIRLING,
Clerk to the Council.