



Western Australia

# **Anglican Church of Australia Lands Vesting Act 1892**

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As at 08 May 2015

Version 02-a0-02  
Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



Reprinted under the  
*Reprints Act 1984* as  
at 8 May 2015

Western Australia

## Anglican Church of Australia Lands Vesting Act 1892

### Contents

1.	Lands vested in Trustees	2
2.	Trustees may sell lands	2
3.	Application of proceeds of sale	3
4.	Short title	3
	<b>Notes</b>	
	Compilation table	4





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## Anglican Church of Australia Lands Vesting Act 1892

**An Act to vest in “The Perth Diocesan Trustees”<sup>2</sup> Perth Building Lots Nos. 1 and 2, Section E, and to empower the said Trustees to sell the said lands, and for other purposes.**

*[Long title amended: No. 34 of 1918 s. 11.]*

### **Preamble**<sup>3</sup>

Whereas by a certain Indenture of Conveyance, bearing date 10 May 1872 and made between Joseph Hardey of Perth in the Colony of Western Australia Gentleman and George Johnson of Guildford in the said Colony Gentleman of the first part, John Crane of Perth aforesaid Yeoman of the second part, and the Right Reverend Matthew Blagden Hale Doctor of Divinity Lord Bishop of Perth aforesaid of the third part, All those several pieces or parcels of land hereditaments and premises marked and known in the maps and books of the Survey Office as “Building Lot No. 1 Section E” and “Building Lot No. 2 Section E” with the appurtenances thereto respectively were granted unto and to the use of the said Lord Bishop of Perth and his successors Bishops of Perth for ever free from encumbrances to the end nevertheless that the said parcels of land hereditaments and premises might be used for the purposes of an Orphanage for male and female children and called “The Perth Protestant Orphanage” and subject to such Rules and Regulations as might from time to time be in force with reference to the said Orphanage and for no other use intent or purpose whatsoever; And whereas by virtue of the Acts of the Legislative Council of this Colony 38 Victoria No. 18 (now repealed) and 52 Victoria No. 2<sup>4</sup> all lands or other property vested

**s. 1**

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at the time of the passing of the first mentioned Act in the said Right Reverend Matthew Blagden Hale as Trustee for the Church of England in Western Australia are now vested in the Diocesan Trustees of the Church of England in Western Australia<sup>5</sup>; And whereas it is desirable that the said lands hereinbefore particularly mentioned should also be vested in the said Diocesan Trustees upon and subject to the same trusts and uses as the said Matthew Blagden Hale held the said lands but subject also to the provisions of this Act; And whereas the Committee of Management of the said Orphanage are desirous of selling the said lands and of employing the proceeds of such sale in the purchase of other lands more suitable for the purposes of the said Orphanage and in the erection of new buildings thereon:

Be it therefor enacted: —

**1. Lands vested in Trustees**

Subject to the provisions of this Act the said Perth Building Lot No. 1 Section E and Perth Building Lot No. 2 Section E together with all buildings thereon and all rights easements and appurtenances thereto belonging are hereby vested in The Perth Diocesan Trustees<sup>2</sup> for an estate in fee simple upon and subject to the trusts and uses declared by the hereinbefore recited Indenture of 10 May 1872.

**2. Trustees may sell lands**

It shall be lawful for the said Diocesan Trustees at any time hereafter to sell the said lands and premises hereby vested in them or any part or parts thereof and to assure the same to a purchaser freed and absolutely discharged from the trusts and uses declared by the said recited Indenture and no purchaser shall be concerned to see to the application of his purchase money.

**3. Application of proceeds of sale**

The proceeds of sale of the said lands shall be applied by the said Trustees after payment of all expenses of and incidental to any sale in the purchase of other lands in fee simple in the local government district of Perth or elsewhere in Western Australia and so far as such moneys may extend in the erection of buildings and other improvements upon such last mentioned lands and all lands so purchased by the said Trustees as last aforesaid shall be held by them upon and subject to the trusts and uses declared by the said Indenture of 10 May 1872.

*[Section 3 amended: No. 14 of 1996 s. 4.]*

**4. Short title**

This Act may be cited as the *Anglican Church of Australia Lands Vesting Act 1892*<sup>1</sup>.

*[Section 4 inserted: No. 81 of 1966 s. 2; amended: No. 121 of 1976 s. 7.]*

### Notes

- <sup>1</sup> This reprint is a compilation as at 8 May 2015 of the *Anglican Church of Australia Lands Vesting Act 1892* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
Untitled <sup>6</sup>	1893 (56 Vict. Prvt. Act	13 Jan 1893	13 Jan 1893
<i>Statute Law Revision (Short Titles) Act 1966</i> s. 2	81 of 1966	12 Dec 1966	12 Dec 1966
<i>Anglican Church of Australia Act 1976</i> s. 7	121 of 1976	1 Dec 1976	24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<b>Reprint of the <i>Anglican Church of Australia Lands Vesting Act 1892</i> as at 3 May 2002</b> (includes amendments listed above)			
<b>Reprint 2: The <i>Anglican Church of Australia Lands Vesting Act 1892</i> as at 8 May 2015</b> (includes amendments listed above)			

- <sup>2</sup> Formerly referred to “The Diocesan Trustees of the Church of England in Western Australia” the name of which was changed to “The Perth Diocesan Trustees” by the *Church of England Diocesan Trustees and Land Act 1918* s. 11 (now known as the *Anglican Church of Australia Diocesan Trustees and Land Act 1918*). The reference was changed under the *Reprints Act 1984* s. 7(3)(h).
- <sup>3</sup> Under the *Anglican Church of Australia Act 1976* s. 7, a reference in a law of the State to “Church of England” or “Church of England in Western Australia” is to be construed as a reference to the “Anglican Church of Australia”, and that construction shall, unless the context otherwise requires, be and be deemed to be a direct amendment to that law. The reference in this provision has not been changed due to the context.
- <sup>4</sup> Act 52 Vict. No. 2 (1888) is now known as the *Anglican Church of Australia (Diocesan Trustees) Act 1888*.



- <sup>5</sup> The name of this body was changed to “The Perth Diocesan Trustees” by the *Church of England Diocesan Trustees and Land Act 1918* s. 11 (see also note 2). This reference to the former name has not been changed due to the context.
- <sup>6</sup> Now known as the *Anglican Church of Australia Lands Vesting Act 1892*. The short title *Church of England Lands Vesting Act 1892* was inserted by the *Statute Law Revision (Short Titles) Act 1966* s. 2 and subsequently changed by the *Anglican Church of Australia Act 1976* s. 7 (see note under s. 4).