



WESTERN AUSTRALIA.

ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

No. XXII.

An Ordinance to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland, in Western Australia.

WHEREAS by the Ordinance No. 1, 1838, it is amongst other Preamble. things enacted that the right of property in all lands as-

signed over to Trustees therein mentioned, for Church purposes, as well as in 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 or 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, and in one or more district Trustees associated with such General Trustees, with the sanction of the Governor and Executive Council: And whereas by another Ordinance, No. 7, 1842, it is amongst other things enacted, that all lands, buildings, and other property, intended for the purposes of the Church of England shall be vested in the Trustees of Church property aforesaid, and in three local Trustees, to be appointed by the congregation, or subscribers to the particular church, chapel, or Minister's dwelling, for which the money is intended: And whereas, with regard to Churches, Chapels, and Ministers' dwellings, of the United Church of England and Ireland, it is expedient to make further provision for regulating the manner in which persons building or contributing towards the building of a church, chapel, or Minister's dwelling shall proceed to the nomination of such Trustees as aforesaid, and for providing a succession of properly qualified Trustees upon such vacancies arising as herein-after mentioned, and also for-lawfully appointing, and more particularly directing in what manner, pursuant to the said Ordinance, the Revenues to arise under their several Trusts shall be applied, and generally for regulating the affairs of churches, and chapels, and the dwellings of Ministers of the United Church of England and Ireland within the said Colony;—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—

Mode of appointing
original Trustees.

I. THAT whenever any person or persons shall, at his, her, or their own cost and expence, erect or provide a church or chapel which shall be approved by the Bishop of the Diocese, for the celebration of Public worship, according to the use of the United Church of England and Ireland, or any Minister's dwelling, burial Ground, or Glebe Land, or whenever any number of persons shall by subscription contribute any sum not less than three hundred pounds for or towards erecting or providing a church or chapel, and Minister's

dwelling, or burial ground, or glebe land as aforesaid, it shall and may be lawful for the person or persons so erecting or providing the same, at his, her, or their own cost, to nominate as Trustees of such church or chapel any number of persons not less than three or more than five: and for the subscribers towards erecting or providing such church or chapel, and Minister's dwelling, burial ground, or glebe land, as aforesaid, to elect by plurality of votes from among themselves any number of Trustees within the limits aforesaid, subject to the approval of the Governor and Executive Council, under the provisions of the said recited Ordinance, and such election shall take place at a meeting of the subscribers, of the time and place of holding which fourteen days' previous notice shall have been duly given, and every person having subscribed and paid One pound towards the erecting of any such Church or Chapel of the United Church of England and Ireland, and being also a member of the said Church, shall be entitled to vote at all elections of Trustees for the same, until such Church or Chapel shall have been completed.

II. THAT every person so to be nominated or elected a trustee of any church or chapel of the United Church of England and Ireland shall be a member of the said church, frequenting its public services, and not known publicly to impugn any of its doctrines, and the names of all trustees so nominated or elected as aforesaid, shall be registered in a book to be kept for this purpose by the registrar of the Bishop of the Diocese.

Trustee to be members of the Church not publicly impugning any of its doctrines.

III. THAT any such trustee as aforesaid who shall leave the Colony, and shall be absent therefrom more than six months in succession, or whose ordinary residence shall be more than twenty miles from the church or chapel of which he is trustee, or who shall be a confirmed lunatic, or shall be, or shall become disqualified as hereinbefore mentioned, shall and may be removed from his office by a general meeting of Trustees assembled after fourteen days' previous notice given by the remaining trustees of such Church or chapel, or the greater number of them, and affixed to the door thereof.

Trustees disqualified by absence, &c., to be removed.

IV. THAT whenever and as often as any trustee, nominated or elected as aforesaid under the provisions of this Ordinance, shall die, or resign his office with the consent of his co-trustees, or shall be removed as aforesaid, the surviving or continuing trustees, shall forth-

Mode of electing a new Trustee.

with call a meeting of the subscribers, if the church or chapel shall not have been then completed and consecrated, or if the pewholders and renters of sittings therein after that period, (as the case may require), for the purpose of electing a new Trustee in the place of one so dying or desiring to resign, or removed as aforesaid; and the election of such new trustee shall at all times, before the completion and consecration of such church or chapel, be made by the subscribers thereto, and shall at all times, after the completion and consecration thereof, be made by the pew-holders and renters of sittings, and the same notice shall in like manner as aforesaid, be given of the time and place of the said meeting, and the same proceedings shall be observed in all other respects as to the election of trustee, as upon the original nomination or election of Trustees; Provided, however, that no trustee shall be permitted to resign his office until he shall duly have accounted, to the satisfaction of his co-trustees, for all sums of money at any time received by him in his said Trust.

In default of Trustee subscribers or pewholders to convene meeting for election; in their default Bishop to appoint new Trustee.

V. THAT if the surviving or continuing Trustees of any Church or chapel of the United Church of England and Ireland, shall not within one month after the death, resignation, or removal of any Trustee, give public notice of a meeting of subscribers, or pewholders and renters of sittings, as the case may be, for the election of a new trustee, it shall and may be lawful for any six of the subscribers or pew-holders and renters of sittings, upon giving fourteen days' notice in like manner as aforesaid, to assemble a meeting, as the case may be, of the subscribers or pew-holders and renters of sittings, being members of the said United Church, and to proceed to the election of a new trustee; and if no such meeting be held, nor election proceeded with within two months after the death, resignation or removal of any trustee as aforesaid, it shall and may be lawful for the Bishop of the diocese, by writing under his episcopal seal, to nominate from among the subscribers or pew-holders, a fit and proper person to become a trustee of such church or chapel as aforesaid.

New trustee to become joint trustee.

VI. THAT the new Trustee to be nominated as aforesaid, pursuant to this Ordinance, shall become, jointly with the continuing or surviving Trustee or Trustees, a trustee of the site of the church or chapel, or of the Minister's dwelling, burial ground or glebe land in respect whereof he shall be so nominated; and that all such deeds and assurances shall be made and executed as shall be necessary

legally to effectuate and complete his appointment as such new trustee.

VII. THAT it shall be lawful for the major part of the trustees so nominated, elected, or appointed, as aforesaid, of any church or chapel, towards the erection of which any public monies shall have been contributed, to set apart one-sixth part of the whole number of sittings contained in the same to be appropriated free of any charge whatsoever to the use and accommodation of persons choosing to occupy the same during the time of the celebration of public worship or of any rite or Ordinance pertaining thereto and also one pew containing not more than six sittings nor less than four, for the use and occupation free from all charges, of the family or household of the clergyman licensed to officiate in such church or chapel; and it shall and may be lawful for such Trustees, or the major part of them, and they are hereby authorised and required to assess and fix equitably the annual rent or rate for each pew or sittings in every such church or chapel, with the exception of such pews or sittings as are hereinbefore declared to be free from charge, and to make agreements and contracts with any persons desirous to hire or engage the same according to such assessed rent or rate: Provided that in all cases where the stipend of the minister is paid wholly or in part from the said Pew Rents no reduction shall be made in the rates so established, without the consent in writing of the said minister and of the Bishop of the diocese first obtained. Provided also that nothing herein mentioned shall prevent any person having erected or provided a church or chapel, or burial ground in manner hereinbefore mentioned, at his or her own cost and expence from retaining for the use of himself or herself and his or her heirs one pew in such church or chapel free from rent, or from reserving any sufficient portion of such ground at his or her disposal, as a place for burial for ever.

Majority of trustees of any church or chapel towards the erection of which public money shall have contributed to set apart free seats and clergyman's pew, and fix pew rents for remainder.

VIII. THAT all contributors and subscribers in money or value of not less than the sum of five pounds, towards the building of any such church or chapel, being members of the said United Church of England and Ireland, shall have a right to become each the renter of a pew in preference to any other person who shall not have contributed thereto; and such contributors and subscribers shall amongst themselves have priority in the choice of pews, as to situation, size, and seats, not exceeding six, according to the amount of their contributions, the greater contributor or subscriber to have the prior choice, and the choice of equal contributors or subscribers to be determined, if need be, by lot.

Subscribers to have choice of pews.

IX. THAT upon Easter Tuesday in every year, the Trustees of every such church or chapel as aforesaid, shall meet in the vestry or in some other convenient place, and shall elect one of their number to act as churchwarden until the next annual appointment of churchwardens, and at the same time and place the pew holders and renters of sittings of such church or chapel, qualified as in hereafter required, shall elect one of the said pew holders to act as churchwarden for the same period, and the clergyman licensed to officiate in the said church or chapel, shall at the same time and place nominate one other of the said pew holders to act as churchwarden also for the same period, and the said three persons so elected and nominated shall jointly execute the office of churchwarden, with the powers by this Ordinance herein-after declared, and according to the true meaning and intent thereof; and in case any one of the churchwardens shall die or resign, or become disqualified during the year for which he shall have been elected or nominated, it shall and may be lawful for the Trustees or the pew holders and renters of sittings, or the officiating clergyman respectively, as the case may be, to elect or nominate, in manner aforesaid, one other churchwarden to serve until the Easter Tuesday which shall be next ensuing.

In default of election,
Bishop to nominate
churchwardens.

X. THAT in case any of the aforesaid parties shall fail to make an election or nomination of a Churchwarden on the day appointed, it shall and may be lawful for the Bishop of the diocese, or his Commissary, to appoint a trustee or pew holder, as the case may be, to serve as Churchwarden; and if any dispute shall arise touching the election of any Churchwarden, the said Bishop shall make enquiry thereinto by himself or his commissaries, and shall make such order touching the same, as to him shall appear expedient.

Power of churchwardens.

XI. THAT it shall and may be lawful for the churchwardens, who shall be so elected or nominated, or for any two of them, to collect and gather all and every sum or sums of money which may be due and payable for pews or sittings in such church or chapel, for which they have been so elected or nominated, according to the rate or rent assessed and fixed for the same by the Trustees as aforesaid, and any subscriptions and donations which may be receivable on account of any such church or chapel, minister's dwelling, burial ground, or glebe land thereunto attached or belonging, and to apply for the said sum or sums, and to sue for the recovery of the same,

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from all persons who shall fail or refuse to pay the same according to the terms of their engagement; and such churchwardens out of such monies so received or recovered, so far as the same will extend, shall regularly pay the salaries allotted to the licensed officiating minister, and all lay persons holding any office in or about the church or chapel, according to certain rates and at certain periods which shall be determined upon by the majority of renters of pews or sittings in vestry assembled; and shall expend any sums which may remain after payment of such salaries as aforesaid, in repairing, or keeping in substantial repair, any part of the said church or chapel, or, if necessary, in the enlargement of the same, and in repairing and keeping in repair the walls, roofs, doors, windows, or other parts of the same; or any steeple, belfry, chancel, or vestry-room thereunto belonging; or the bells, clock, font, tables, rails, pews, seats, galleries, organ, or organ loft; or any books or vestments or other Church Furniture used in the celebration of public worship, together with the fences and walls enclosing the churchyard or burial ground of such church or chapel, or the gates of the same, or any drains or walks therein, and also to repair, or keep in repair, the glebe house and premises occupied by the clergyman licensed aforesaid to officiate in the church or chapel from which such sum or sums of money are derived, together with the outbuildings thereto attached, and the fences, walls, drains, or gates belonging to any portion of land being in the occupation of such clergyman as aforesaid, in virtue of his being licensed to officiate in such church or chapel; and also to provide any of the aforesaid articles and all things which may be necessary for the due and orderly celebration of public worship and the administration of the sacraments in such church or chapel as aforesaid, according to the directions contained in the rubrics of the common prayer, and in the constitutions and canons ecclesiastical relating to divine service and the administration of the sacraments, agreed upon with the King's Majesty's license in the Synod begun in London, in the year one thousand six hundred and three.

XII. THAT at every vestry meeting to be holden on Easter Tuesday in each year for the election and nomination of Churchwardens the Churchwardens of the year preceeding, or some one of them, shall produce and exhibit a book (to be paid for from the produce of the pew rents,) wherein shall be contained a fair and correct entry and account of all monies received and expended by them

during the year preceeding, under and in accordance with the provisions of this Ordinance: and shall certify the said account by subscribing their names thereto; and the said book, together with such surplus or balance as shall be proved by it to be remaining in the hands of the outgoing Churchwardens, shall be by them, or by some one of them, delivered over to the Churchwardens, or one of them, who shall be nominated and elected for the ensning year.

Persons qualified to vote at elections of trustees or churchwardens.

XIII. THAT every person who shall have entered into agreement with the Trustees or Churchwardens of any church or chapel as aforesaid, to engage any pew or sitting therein, and shall have paid the rent due upon the same up to the last quarter day, and every person having been for the space of one year and upwards a contributor of not less than one pound annually towards the maintenance of any such church or chapel, and being a member of the United Church of England and Ireland as aforesaid, shall be entitled to give at every vestry meeting of pew-holders, and at the election of any Trustee or Trustees, Churchwarden or Churchwardens, under this Ordinance, one vote in proportion to every single sitting for which he shall so have made agreement and paid rent, or for every pound so contributed: Provided always, that no person shall, under any pretence be allowed to possess or to give at any such meeting or election more than six votes in all, on account of any pew, or pews, engaged and paid for; or of any such contribution towards the maintenance of such church or chapel.

Churchwardens to raise pew rents in certain cases, after notice.

XIV. THAT whenever any rate of payment shall have been assessed and fixed for the pews and sittings in any Church or Chapel and it shall appear to the Churchwardens for the time being, or to the major part of them, that the produce of such rate or rent will be insufficient to defray the several charges and costs necessary for effecting and providing all things required by this Ordinance, it shall and may be lawful for such Churchwardens, or any two of them, by fourteen days' previous notice publicly given in such church or chapel; during the time of public worship, such notice being also posted at the church doors; to call a general vestry meeting of the Trustees, Churchwardens and renters of pews and sittings of such church or chapel, for the purpose of taking into consideration the expediency of amending and increasing such rate or rent; and if it shall appear to the majority of voters present at such meeting, that the rate or rent already established, will not be sufficient to provide for all such neces-

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sary costs and charges, it shall and may be lawful for such majority to assess and appoint such higher rate of rent to be charged for pews or sittings, as by them shall be deemed sufficient to meet such costs and charges, and to appoint and declare how long such higher rate shall continue to be charged and collected; and upon the three Sundays next ensuing, upon which public worship shall be celebrated in such church or chapel, and during the time of such celebration, such Trustees shall direct and cause notice to be given of the said intended increase of rent to be charged upon pews and sittings; and at the expiration of six months from the last publication of such notice, the said increased rent or charge shall and may be demanded and collected from all persons continuing to occupy any pew or sitting in such church or chapel, or not giving three months, previous notice to the Churchwardens of their intention to relinquish the same.

XV. THAT any person having engaged any pew or sitting, and continuing to pay rent for the same, according to the rate fixed for the same, or as it may be from time to time assessed afresh as aforesaid, and also conducting himself or herself in such Church or Chapel so as not willfully, maliciously, or necessarily to disturb the performance of public worship, or to molest or annoy any part of the congregation attending the same, shall not be, under any pretence whatsoever, removed or ejected, without his or her own consent, from the occupation and free possession of such pew or sitting, at all times when the said church or chapel shall be open for the performance of public worship, the administration of any sacrament, or other rite or ceremony, according to the use of the United Church of England and Ireland: Provided nevertheless that if any such person shall not make use of or occupy any such pew or sitting, by himself or his family, or by some other person acting in that behalf under his authority in writing (and which authority, if any, shall in every case be produced, if required, to the Churchwardens for the time being, or any of them,) at any one time for the space of three months, it shall be lawful for the Churchwardens for the time being, or for any two of them, to permit any other person to make use of or occupy such pew or sitting during such further period as the same may so remain unused or unoccupied as aforesaid, and upon such terms as may be deemed advisable by the majority of the Churchwardens for the time being: Provided, also that if any person having engaged any pew or sitting in any Church or Chapel under agreement to pay

No pew-holder to be removed except in manner herein mentioned.

Pews and sittings of absent-renters.

for the same, according to the rate or rent assessed thereupon, shall suffer such rent to fall into arrear and to continue unpaid for three months after the the same shall have been demanded by the Churchwardens, or by any other person empowered by them or by the major part of them, or if any person having engaged as aforesaid, any such pew or sitting, shall refuse to pay for the same such increased rate of rent as the Trustees, according to the provisions herein-before described, shall thereupon assess and fix, publicly notifying the same as by this Ordinance is described and required; or if any person engaging and occupying any such pew or sitting and continuing to pay the rent assessed upon the same, shall by any unsuitable noise, gesture or deportment, wilfully and irreverently interrupt the celebration of public worship, or shall designedly and habitually disturb or annoy any part of the congregation within the said Church or Chapel; in all such cases it shall and may be lawful for the Churchwardens or any two of them, to make a presentment thereof in writing to the Bishop of the diocese or his Commissary, who shall thereupon issue his monition to every such defaulter or offender; and in case such defaulter or offender shall not forthwith pay all such arrears, or shall not amend and desist from the practice complained of, it shall be lawful for the said Bishop or his Commissary, within fourteen days from the receipt by him of a repeated presentment in writing from the said Churchwardens, to issue a warrant under his hand or seal, declaring the pew or sitting occupied by the party complained of, to be vacant, and at liberty to be disposed of to any other party desiring to engage the same under the provisions of this Ordinance: Provided, nevertheless, that if within fourteen days from the receipt of such repeated presentment any caveat in writing shall be delivered to the Registrar of the diocese, by the party complained of, or by any other person in his or her behalf, the said Bishop or his Commissary, shall not proceed to issue such warrant until he shall have inquired into the circumstances of the case and shall be fully satisfied that there is a just and reasonable cause for the complaint laid in such presentment as aforesaid. Provided nevertheless, that if upon a representation addressed to the Bishop of the diocese or his Commissary, by the major part of the pewholders and renters of sittings in any Church or Chapel as aforesaid, in vestry assembled, after fourteen days clear notice, setting forth the expediency of altering the arrangement of the pews within the said church or chapel, for increasing the general accommodation, and without diminishing the due proportion of free sittings therein, a faculty shall be issued under the seal of the said Bishop, authorising such alteration, it shall

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and may be lawful for the Churchwardens of such church or chapel to proceed with, and complete the same, and for the Trustees of the said church or chapel to make a fresh distribution of the pews and sittings, any thing in this Ordinance contained to the contrary notwithstanding.

XVI. PROVIDED always, and be it enacted, that notwithstanding anything contained in this Ordinance, or in the said recited Ordinances, it shall be lawful for any person or persons erecting or providing a church or chapel of the United Church of England and Ireland as aforesaid, at his, her, or their own expense, or for the subscribers jointly contributing any sum necessary for erecting any such church, chapel, or Minister's dwelling, to nominate the Bishop of the diocese for the time being, and his successors, to be the sole Trustee or successive Trustees of such church or chapel, and minister's dwelling, with any burial ground or glebe land which may be thereunto respectively annexed; and upon such nomination being declared to the Governor and Executive Council, the site of such church, chapel, and minister's dwelling, and such burial ground and glebe land respectively, shall be conveyed to and vested in the said Bishop and his successors, upon the Trusts herein-before declared, except as hereinafter mentioned.

Bishop may be nominated sole Trustee.

XVII. PROVIDED also, and be it further enacted, that it shall be lawful for the pew-holders and renters of sittings who shall be present at the vestry or other meeting to be held in respect of any church or chapel already built, on the Easter Tuesday in any year, in conformity to this Ordinance, to nominate, if they shall see fit, by a plurality of votes (to be estimated as hereinbefore provided,) the Bishop of the diocese and his successors to be the sole Trustee and successive Trustees of such church or chapel, in the place and stead of any then existing; and the site of such church or chapel, and of any minister's dwelling, together with any glebe or burial ground thereto respectively belonging, shall in such case be, as soon as convenient, conveyed to and vested in the said Bishop and his successors upon the same trusts, except as hereinafter provided.

Pew-holders, &c., may nominate Bishop as sole Trustee in place of Trustees already nominated.

XVIII. PROVIDED always, and be it enacted, that whenever the Bishop of the diocese for the time being shall be sole Trustee of any church or chapel as aforesaid, it shall be lawful for the pewholders and renters of sittings in the said church or chapel to nominate

If Bishop be sole Trustee, pew-holders, &c., may appoint Churchwardens to act jointly with the

Churchwardens nominated by the officiating clergyman. at each annual meeting to be held on Easter Tuesday, pursuant to this Ordinance, one of the said pew-holders as aforesaid, and one other in lieu of the Trustee to be named by his co-Trustee, as hereinbefore provided, to execute the office of Churchwarden jointly with the person to be nominated by the officiating clergyman, without prejudice, nevertheless, to the power hereinbefore reserved to the said Bishop of naming one or more other churchwardens, in default of such being otherwise appointed; and provided further, that whenever the said Bishop shall be sole Trustee, the power of setting apart and assessing the rents of pews, and of making agreements for letting the same, hereinbefore given to the lay-Trustees to be appointed under this Ordinance, shall be vested in and exercised by the Churchwardens for the time being.

If Bishop be sole Trustee Churchwardens to assess the rents of pews, and let the same.

No Minister to officiate unless duly licensed. XIX. THAT from and after the passing of this Ordinance, no person shall be or shall be received as a chaplain or incumbent, or be permitted or allowed, as such, to sing or say the common or open prayer, or to minister the sacraments, or to preach any sermon in any church or chapel consecrated according to the use of the United Church of England and Ireland within this colony and its dependencies, unless he be first approved and thereunto licensed by the Bishop of the diocese, or his commissary, or by the metropolitan, in case of the vacancy of the see, or default of the said Bishop or his commissary. Provided also that during the vacancy of any such chaplaincy, or in the absence of any duly ordained or licensed minister as aforesaid, it shall be lawful for a majority of the churchwardens of any such church or chapel to permit any layman to read therein the common prayer, or the lessons appointed for the day, and a printed sermon.

Minister's right to occupation of dwelling-house and glebe. XX. THAT it shall and may be lawful for the clergyman in holy orders of the United Church of England and Ireland, who shall be duly licensed by the Bishop to officiate in any Church or Chapel under this Ordinance, so long as he shall be so licensed, to have free access and admission to and in such Church or Chapel, and the burial ground belonging thereto, and every part thereof respectively, at all times, as he shall think fit, and freely to exercise his spiritual functions therein respectively without any hindrance or disturbance of the Trustees of the same or any person whatever; and such officiating minister shall and may, during such times as aforesaid, freely use, have, possess, and enjoy the minister's dwelling house, garden, appurtenances, and glebe, belonging to such Church or Chapel, and

receive, have and take the rents, profits, and issues, and every part thereof respectively: Provided always, that no such liberty of access and admission to such house of residence as aforesaid, nor occupation of the same for any length of time whatsoever, shall be construed to confer any right of property in the same upon the clergyman, or other parties, by whom such house of residence and the appurtenances may have been so occupied; nor any right or title to retain possession of the same after the license of such clergyman shall have been withdrawn, cancelled, or revoked by the Bishop of the diocese, upon cause shewn; nor shall the same be pleaded in bar of any action of ejectment which may be brought by or on behalf of the Trustees or Churchwardens of any Church or Chapel as aforesaid, for recovering possession of such house of residence and the appurtenances thereof.

XXI. THAT whenever, and as often as it shall happen, that the glebe land belonging to any Church or Chapel under this Ordinance, not being in possession or occupation of any clergyman licensed to officiate in such Church or Chapel, or with the consent of the clergyman being in such possession or occupation, may be improved by building upon the same, or otherwise, so as to admit a greater yearly profit being derived therefrom than the sum of one hundred and fifty pounds, and security be given for payment to the clergyman who shall next be licensed to officiate in such Church or Chapel, and also to the present officiating clergyman, if any, so consenting as aforesaid, of the said sum of one hundred and fifty pounds annually, it shall and may be lawful for the trustees of such church or chapel with the further consent in writing of the Bishop of the diocese, to enter into and upon the said glebe land, and to let the same upon leases for any term not exceeding sixty-six years, reserving the rents, issues, and profits thereof, to the said Trustees for the time being, who shall and may receive and apply the said rents, issues, and profits, upon trust, in the first place to pay the officiating minister of the said church or chapel the full sum of one hundred and fifty pounds yearly as and for an allowance for the said glebe, and in the next place, with the consent of the Bishop, to apply the same or any part thereof, in or towards building or enlarging the church or chapel of the district to which such glebe land is annexed, or a residence for the clergyman of the same if necessary; and afterwards in or towards building or enlarging a church or chapel of the United Church of England and Ireland in any other place in the same township or district, and in the payment of a stipend of one hundred pounds yearly to the officiating minister of the said church or chapel.

When any glebe shall be capable by improvement of producing more than £150 per annum, Trustees may apply the residue in building and endowing other churches.

ating minister for the time being of the last-mentioned church or chapel; and as often as the rents, issues, and profits of any such glebe land so let by the Trustees will admit thereof, upon trust, with the consent of the Bishop in manner aforesaid, to apply the same in or towards the building of such other churches or chapels, and houses of residence for clergymen and endowing the officiating ministers thereof respectively, to the extent of one hundred pounds yearly, as aforesaid; Provided, nevertheless, that in cases where the residence appropriated for the clergyman licensed to officiate in any church or chapel, shall be situated upon the glebe pertaining to the same, it shall and may be lawful for the Trustees of such church or chapel and they are hereby required to reserve any portion of such glebe not exceeding one-fifth of the whole, which shall be approved by the Bishop, to be appropriated to the personal use and occupation of the said clergyman, in addition to the sum of one hundred and fifty pounds per annum to be secured to him as aforesaid, from the rents and proceeds of such glebe.

Trustees' accounts to be wound up and audited on completion of the building.

XXII. THAT as soon as any Church or Chapel, or Minister's Dwelling, as aforesaid, shall be erected and completed, the accounts of the Trustees shall thereupon be finally wound up and audited by not less than three auditors, to be erected from among themselves by the subscribers towards the erection of such church, chapel, or minister's dwelling, in manner hereinbefore provided for the election of Trustees and laid before the subscribers thereto for their inspection and allowance; and being so allowed, shall be published in two or more of the public newspapers of the Colony

Mural tablets, monuments, vaults, and graves, and fees for erecting and making the same.

XXIII. THAT it shall be lawful for the officiating minister duly licensed as aforesaid, and the Churchwardens for the time being of any church or chapel, under this Ordinance, to permit any mural tablets to be erected or placed in such parts as they may deem convenient of such church or chapel, or any monuments, whether enclosed or otherwise, in the enclosed ground about the same, or in the burial ground belonging thereto, or vaults, or brick graves to be dug and made, and, if required, enclosed, in such burial ground, upon payment to the said churchwardens for the use of the said church or chapel for such permission, by the person desiring so to erect or place any such tablet or monument, or to dig and make and enclose any such vault or brick grave, of such charges as may from time to time be established by regulations to be framed by such minister and Churchwardens.

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XXIV. THAT it shall and may be lawful for any person or persons erecting or placing, with such permission as aforesaid, or having already, with permission, erected or placed any tablet or monument in any such church or chapel, or enclosed ground about the same, or digging or making, with such permission as aforesaid, or having already, with permission, dug or made any vault or brick grave in any such burial ground, to have and maintain and keep up and enclose such monument, vault, or brick grave, according to the terms of such permission, to and for the sole and separate use of the said person or persons, and his or their heirs for ever.

XXV. AND whereas a considerable amount of debt was incurred by the Trustees of Church Property in the erection of the churches of Perth and Fremantle respectively, which debt has not yet been fully discharged;—Be it enacted, that so much of the provisions of the 11th section of this Ordinance as directs the specific appropriation of the funds therein mentioned, shall not be deemed binding upon the Churchwardens of the said churches of Perth and Fremantle respectively, so long as any part of the debt aforesaid, or any interest thereon, shall remain undischarged, anything hereinbefore contained to the contrary notwithstanding; but the Trustees of Church Property aforesaid shall be deemed to have a lien on all such funds for the purpose of the payment of the said debts and interest respectively, and no sum of money shall be applied by the said Churchwardens otherwise than towards the liquidation of the said debts, or the said interest thereon, without the previous consent of the majority of the Trustees, obtained at a special meeting called for that purpose, which consent shall be entered on the minutes of the said meeting.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council, }
the 29th day of April, 1853. }*

A. O'GRADY LEFROY,
Clerk of the Council.

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*Printed by authority of the Government, by E. Stirling, Perth.*