

Western Australia

Northam Cemeteries Act 1944

As at 28 Jun 2010

Version 00-b0-01

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Western Australia

Northam Cemeteries Act 1944

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Northam Cemeteries Act 1944

An Act to revest certain lands in His Majesty and for other purposes relative thereto.

Whereas the lands described in the first and second columns of the Schedule hereto are vested in various religious bodies or trustees as set out in the third column of the said Schedule for the purposes set out in the fourth column of the said Schedule; And whereas it is desirable to revest such lands in His Majesty with intent that the same may be added to and form part of reserve and together therewith be appointed a public cemetery:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled and by the authority of the same as follows: —

1. Short title

This Act may be cited as the *Northam Cemeteries Act 1944*.

2. Lands revested in His Majesty

From and after the commencement of this Act all rights of property which may have at any time been vested by statute or otherwise in the persons or corporations mentioned in the third column of the Schedule to this Act or in any other person or persons or corporation whatsoever in any part of the lands described in the first and second columns of the said Schedule shall absolutely cease and determine and the whole of the said lands and all the right and title in law or in equity thereto shall

s. 3

be and the same are hereby vested in His Majesty freed and released from all and every trusts or trust affecting the same.

3. Lands revested to be added to reserve to be appointed a public cemetery and placed under the control of the Northam Road Board

The said lands when vested in His Majesty as aforesaid shall forthwith be added to and become part of reserve and thereafter the said reserve shall be appointed a public cemetery under and for the purposes of the *Cemeteries Act 1897*, and shall be placed under the control of the Shire of Northam as the Trustee thereof.

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

The Schedule

Land	Reference	Proprietors	Purpose of Grant
Northam Sub-lot N 48	Enrolment 1551	Reverend Joseph Johnston of Fremantle, Clerk; Henry Trigg of Perth, Gentleman; Lewis Birch, the elder, of Perth, Yeoman, and James Dyer of the same place, general Dealer, as trustees for the general body of Christians known by the denomination of Congregationalists or Independents	Cemetery.
Northam Sub-lot N 49	Enrolment 1547	Reverend Samuel Hardy of Perth, Clerk; William Lowe of York, Clerk; John Wall Hardey of Grove Cottage near Perth aforesaid, Esquire; Joseph Hardey of the Peninsula near Perth, Gentleman, and George Shenton and Anthony Helmich of Perth, Esquires, as Trustees for the general body of Christians known by the denomination of Wesleyans	Cemetery.
Northam Sub-lot N 50	Enrolment 1545	Reverend George Purves Pownall of Perth, Clerk, Colonial Chaplain; Frederick Palgrave Barlee, John Septimus Roe, Anthony O'Grady Lefroy, George Frederick Stone, William Wright, Francis Lockee of the same place, Esquires, and John Bruce of the same place, Esquire, a Staff Officer of Pensioners, as Trustees of church property	Cemetery.

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The Schedule

Land	Reference	Proprietors	Purpose of Grant
Northam sub-lot 97	Volume 120, Folio 4	The Diocesan Trustees of the Church of England in Western Australia	Ecclesiastical purposes in connection with the Church of England in Western Australia.
Avon location 20511	Volume 503, Folio 2	The Roman Catholic Bishop of Perth	No purpose disclosed.

Notes

¹ This is a compilation of the *Northam Cemeteries Act 1944* and includes all amendments effected by the other Acts referred to in the following Table ^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Northam Cemeteries Act 1944</i>	4 of 1944	12 Oct 1944	12 Oct 1944
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Standardisation of Formatting Act 2010 s. 4 and 50</i> ²	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

² On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010 s. 4 and 50* had not come into operation. They read as follows:

4. Schedule headings reformatted

- (1) This section amends the Acts listed in the Table.
- (2) In each Schedule listed in the Table:
 - (a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;
 - (b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;

- (c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

Table

Act	Identifier	Title	Shoulder note
<i>Northam Cemeteries Act 1944</i>	The Schedule	Cemetery land	[s. 2]

50. Heading to preamble

- (1) This section amends the Acts listed in the Table.
- (2) In each Act listed in the Table after the long title insert:

Preamble