

Western Australia

**Guildford Old Cemetery (Lands Revestment)  
Act 1949**

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# **Guildford Old Cemetery (Lands Revestment) Act 1949**

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## **Guildford Old Cemetery (Lands Revestment) Act 1949**

### **An Act relating to the Old Cemetery at Guildford.**

Whereas Sir James Stirling, a former Governor of this State, now deceased, is shown in the Enrolment Numbers 1 and 83 in the Registry of Deeds as the owner of an estate in fee simple in all that portion of land being part of Swan Location 16 bounded by lines starting from the junction of Terrace Road and Great Eastern Highway and extending Westerly along the Northern side of the former to the Southernmost South-Eastern corner of Lot 71 (Land Titles Office<sup>2</sup> Diagram 3191); thence Northerly two chains and five-tenths links along an Eastern boundary of the said lot; thence Easterly five chains six and three-tenths links along Southern boundaries of the said lot and of Lot 72 (Land Titles Office<sup>2</sup> Diagram 3390) to the North-Western side of Great Eastern Highway aforesaid; and thence South-Westerly along the latter to the starting point of an area of three roods and one and six-tenths perches; and whereas on the twenty-second day of November, one thousand eight hundred and forty-eight the Bishop of Adelaide consecrated a church then existing on the land and the land as a churchyard, verily believing that the land had been assigned and transferred by or with the authority of Sir James Stirling to the Colonial Church Society, whose successors are the Perth Diocesan Trustees of the Church of England in Western Australia; and whereas no memorial of such assignment and transfer has been placed on record in the Registry of Deeds in Perth; and whereas the land was for many years used as a site for a church and a burial ground, but has fallen into a state of disrepair and neglect; and whereas a portion of the said land is required by the Crown for the purpose of road widening; and whereas the Perth Diocesan Trustees are desirous of having the balance of the land vested in them in order that they may be

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lawfully entitled and enabled to upkeep the said lands and preserve the monuments thereon:

Now, therefore, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Guildford Old Cemetery (Lands Revestment) Act 1949*

**2. Lands revested in His Majesty**

By virtue of the provisions of this section, the land referred to in the preamble to this Act is revested in His Majesty as of his former estate.

**3. Authorisation of grant to Perth Diocesan Trustees**

Subject to the provisions of this Act, the Governor may issue to the Perth Diocesan Trustees a Crown grant in fee simple without pecuniary consideration of so much of the revested land as shall remain after the requirements of His Majesty for corner truncation purposes referred to in section six of this Act shall have been made, subject to the permanent disabilities that the grantees shall maintain the grass in perpetuity at their cost to the satisfaction of the Crown, and shall at all times, between the hours of sunrise and sunset, allow of free public access on foot to the lands.

**4. Power to remove monuments**

The grantees may remove any monuments, headstones and grave fittings upon the revested land and place the monuments and headstones in a group on such portion of the land in accordance with such plan, dispose of the grave fittings in such

manner as the Minister may approve, but no human remains shall be disturbed or interfered with.

**5. Condition precedent to Crown grant**

The grantees shall, before the issue of the Crown grant referred to in section three of this Act, enter into an agreement with the Minister that they will —

- (i) at their own cost, carry out all works in connection with the removal and grouping of the monuments and headstones and dispose of the grave fittings, to the satisfaction of the Minister;
- (ii) at their own cost, take all reasonable precautions to care for and preserve the monuments and headstones;
- (iii) at their, own cost, maintain in perpetuity the grass on the land so granted to them;
- (iv) at all times, between the hours of sunrise and sunset, allow of free public access on foot to the said, land.

**6. Authorisation of dedication for truncation**

The Governor may, by notice in the *Government Gazette*, declare that so much of the revested land as is acquired by His Majesty for the purpose of truncating the corner at the junction of Great Eastern Highway and Terrace Road, Guildford, shall be a public highway, and from and after the date of the notice the land shall become and be absolutely dedicated to the public as a public highway within the meaning of any law now or hereafter in force.

**Notes**

- <sup>1</sup> This is a compilation of the *Guildford Old Cemetery (Lands Revestment) Act 1949* and includes all amendments effected by the other Acts referred to in the following Table.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Guildford Old Cemetery (Lands Revestment) Act 1949</i>	18 of 1949	24 Sep 1949	24 Sep 1949

- <sup>2</sup> Lands Titles Office diagrams are now being held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).