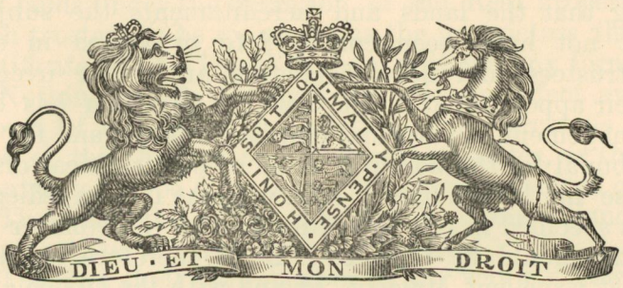
New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

* *

No. XVI. (A.D. 1897.)

An Act to repeal the Acts 7 William IV No. 3, 8 William IV No. 5, and 21 Victoria No. 4, to bring lands held for Church purposes under the provisions of Ordinances of Synod, to validate the appointment of past trustees under the said repealed Acts, and to make provision for vesting lands held on trust in the present trustees and in new trustees without conveyance. [Assented to, 24th November, 1897.]

WHEREAS by an Ordinance duly passed by the Church of England Provincial Synod of the Province of New South Wales, intituled "The Repealing Act Application Ordinance of 1895," it was ordained and ruled that application should be made to Parliament to pass an Act providing for the repeal of the Act eighth William the Fourth number five, and of the Act seventh William the Fourth number three (so far as the same has not already been repealed by the Act twenty-sixth Victoria number nineteen), and of the Act twenty-first Victoria number four, but without prejudice to anything done under the said Acts before the repeal thereof; that in the said repealing Act provision should be made for bringing under the provisions of any Ordinance which may be from time to time in that behalf passed by the Synod of any diocese in the province, or by the Provincial Synod at the instance of any such diocese, all lands held for the benefit of the Church in such diocese (save and except such lands as might be by Preamble.

by any such Ordinance exempted from the provisions thereof), whether the said lands were held upon the trusts of the repealed Acts or upon any other trusts, but without prejudice to anything done under such trusts respectively before the said repeal; and that in the said repealing Act provision should be made for validating all appointments of trustees theretofore made or purporting to have been made under the Act eighth William the Fourth number five, notwithstanding that such appointments of trustees were not in place of original trustees nominated or elected under section one of the said Act, and notwithstanding that the lands and hereditaments the subject of the trust might not have been conveyed to or vested in such first-mentioned trustees, and notwithstanding any other irregularity or defect in their appointment: And whereas provision has been made for the management of parochial church property, and for the formation of a tribunal for the administration of ecclesiastical discipline in every diocese in the province: And whereas it is expedient that the several Acts specified in the Schedule hereto (hereinafter called the Church Acts) should be repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Repeal of Church Acts.

1. The several Acts mentioned in the Schedule hereto are hereby repealed.

Lands how vested.

2. All lands which, at the date of the commencement of this Act, are held by any persons or person, or corporation, as trustees or trustee upon trust for any parochial church purpose in connection with the Church of England in any diocese in this Colony, and whether subject to the provisions of the said Church Acts, or any of them or not (and in the case of lands so subject whether made so subject by reference in the deed or instrument creating the trust or otherwise), except lands, the management of which may be specially provided for by Ordinance of Synod or by Act of Parliament, shall be held subject to the provisions of any Ordinance or Ordinances in force for the time being in such diocese freed and discharged from the provisions of the trust deeds and of the said Church Acts, but not diverted from the purposes to which the said lands are respectively devoted.

Validation of appointment of trustees.

3. No appointment of trustees heretofore made or purporting to have been made under the provisions of the said Church Acts, or any of them, shall be regarded as invalid by reason only that such appointment was not in place of an original trustee nominated or elected under section one of the Act eighth William the Fourth number five, or by reason of the lands and hereditaments the subject of the trust not having been conveyed to or vested in such first-mentioned trustees or trustee, or by reason of any other irregularity or defect in their or his appointment; and the lands the subject of the trust shall from and after the commencement of this Act be vested in the persons who are at the date of the commencement of this Act the de facto trustees or trustee thereof without the necessity for any deed or instrument conveying the same.

Property vested in new trustees.

4. Whenever a new trustee or new trustees shall be appointed under the provisions of any Ordinance in force for the time being in any diocese in this Colony in place of any trustee who has died, or refused, or become unfit or incapable to act in the trust in him reposed, or who desires to be discharged from his trusteeship, all the said property (if any) for the time being vested in the surviving or continuing trustee or trustees, or in the executors or administrators of any trustee, shall, upon such appointment and without the necessity for any deed or instrument, become vested in such new trustee, either solely

solely or jointly with the surviving or continuing trustee or trustees, as the case may require, and every new trustee appointed as aforesaid shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the instrument creating the trust.

Bishop's certificate to appointment.

5. A certificate signed by the Bishop of the diocese, or his commissary, or by the Administrator of the diocese, shall be conclusive evidence that the persons named in such certificate are the duly constituted trustees of the lands mentioned in such certificate, and in the case of lands under the operation of the Real Property Act shall entitle such trustees to be registered as the proprietors thereof, and to have a certificate of title issued to them without any formal transfer.

Previous judgments not affected.

6. Nothing in this Act shall prejudice or affect any judgment of any Court of competent jurisdiction given previous to the commencement of this Act, or any proceeding, matter, or thing lawfully done or contracted to be done before the commencement of this Act.

Interpretation.

7. The term "lands" in this Act shall mean lands and hereditaments of any tenure including chattels real.

Not to affect other Church Acts.

8. This Act shall not repeal or in any way cut down or abridge the provisions of the Church of England Trust Property Incorporation Act, 1881, the Sydney Bishopric and Church Property Act, 1887, or the Church of England Property Act of 1889, and shall be read as supplementary to and enlarging the provisions of the said Acts.

Short title.

9. This Act may be cited as the "Church Acts Repealing Act of 1897.

SCHEDULE.

The Act 7 William IV, No. 3.
The Act 8 William IV, No. 5.
The Act 21 Victoria, No. 4.

By Authority : William Applegate Gullick, Government Printer, Sydney, 1897.

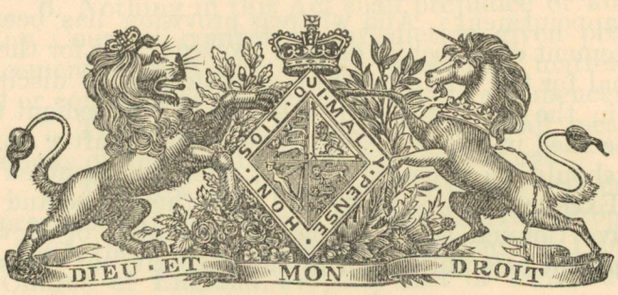
[3*d*.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE COUNCIL, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Council Chamber,
Sydney, 16th November, 1897.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

* *

No. XVI. (A.D. 1897.)

An Act to repeal the Acts 7 William IV No. 3, 8 William IV No. 5, and 21 Victoria No. 4, to bring lands held for Church purposes under the provisions of Ordinances of Synod, to validate the appointment of past trustees under the said repealed Acts, and to make provision for vesting lands held on trust in the present trustees and in new trustees without conveyance. [Assented to, 24th November, 1897.]

WHEREAS by an Ordinance duly passed by the Church of England Provincial Synod of the Province of New South Wales, intituled "The Repealing Act Application Ordinance of 1895," it was ordained and ruled that application should be made to Parliament to pass an Act providing for the repeal of the Act eighth William the Fourth number five, and of the Act seventh William the Fourth number three (so far as the same has not already been repealed by the Act twenty-sixth Victoria number nineteen), and of the Act twenty-first Victoria number four, but without prejudice to anything done under the said Acts before the repeal thereof; that in the said repealing Act provision should be made for bringing under the provisions of any Ordinance which may be from time to time in that behalf passed by the Synod of any diocese in the province, or by the Provincial Synod at the instance of any such diocese, all lands held for the benefit of the Church in such diocese (save and except such lands as might be by Preamble.

by any such Ordinance exempted from the provisions thereof), whether the said lands were held upon the trusts of the repealed Acts or upon any other trusts, but without prejudice to anything done under such trusts respectively before the said repeal; and that in the said repealing Act provision should be made for validating all appointments of trustees theretofore made or purporting to have been made under the Act eighth William the Fourth number five, notwithstanding that such appointments of trustees were not in place of original trustees nominated or elected under section one of the said Act, and notwithstanding that the lands and hereditaments the subject of the trust might not have been conveyed to or vested in such first-mentioned trustees, and notwithstanding any other irregularity or defect in their appointment: And whereas provision has been made for the management of parochial church property, and for the formation of a tribunal for the administration of ecclesiastical discipline in every diocese in the province: And whereas it is expedient that the several Acts specified in the Schedule hereto (hereinafter called the Church Acts) should be repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Repeal of Church Acts.

1. The several Acts mentioned in the Schedule hereto are hereby repealed.

Lands how vested.

2. All lands which, at the date of the commencement of this Act, are held by any persons or person, or corporation, as trustees or trustee upon trust for any parochial church purpose in connection with the Church of England in any diocese in this Colony, and whether subject to the provisions of the said Church Acts, or any of them or not (and in the case of lands so subject whether made so subject by reference in the deed or instrument creating the trust or otherwise), except lands, the management of which may be specially provided for by Ordinance of Synod or by Act of Parliament, shall be held subject to the provisions of any Ordinance or Ordinances in force for the time being in such diocese freed and discharged from the provisions of the trust deeds and of the said Church Acts, but not diverted from the purposes to which the said lands are respectively devoted.

Validation of appointment of trustees.

3. No appointment of trustees heretofore made or purporting to have been made under the provisions of the said Church Acts, or any of them, shall be regarded as invalid by reason only that such appointment was not in place of an original trustee nominated or elected under section one of the Act eighth William the Fourth number five, or by reason of the lands and hereditaments the subject of the trust not having been conveyed to or vested in such first-mentioned trustees or trustee, or by reason of any other irregularity or defect in their or his appointment; and the lands the subject of the trust shall from and after the commencement of this Act be vested in the persons who are at the date of the commencement of this Act the de facto trustees or trustee thereof without the necessity for any deed or instrument conveying the same.

Property vested in new trustees.

4. Whenever a new trustee or new trustees shall be appointed under the provisions of any Ordinance in force for the time being in any diocese in this Colony in place of any trustee who has died, or refused, or become unfit or incapable to act in the trust in him reposed, or who desires to be discharged from his trusteeship, all the said property (if any) for the time being vested in the surviving or continuing trustee or trustees, or in the executors or administrators of any trustee, shall, upon such appointment and without the necessity for any deed or instrument, become vested in such new trustee, either solely

solely or jointly with the surviving or continuing trustee or trustees, as the case may require, and every new trustee appointed as aforesaid shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the instrument creating the trust.

Bishop's certificate to appointment.

5. A certificate signed by the Bishop of the diocese, or his commissary, or by the Administrator of the diocese, shall be conclusive evidence that the persons named in such certificate are the duly constituted trustees of the lands mentioned in such certificate, and in the case of lands under the operation of the Real Property Act shall entitle such trustees to be registered as the proprietors thereof, and to have a certificate of title issued to them without any formal transfer.

Previous judgments not affected.

6. Nothing in this Act shall prejudice or affect any judgment of any Court of competent jurisdiction given previous to the commencement of this Act, or any proceeding, matter, or thing lawfully done or contracted to be done before the commencement of this Act.

Interpretation.

7. The term "lands" in this Act shall mean lands and hereditaments of any tenure including chattels real.

Not to affect other Church Acts.

8. This Act shall not repeal or in any way cut down or abridge the provisions of the Church of England Trust Property Incorporation Act, 1881, the Sydney Bishopric and Church Property Act, 1887, or the Church of England Property Act of 1889, and shall be read as supplementary to and enlarging the provisions of the said Acts.

Short title.

9. This Act may be cited as the "Church Acts Repealing Act of 1897.

SCHEDULE.

The Act 7 William IV, No. 3.
The Act 8 William IV, No. 5.
The Act 21 Victoria, No. 4.

In the name and on the behalf of Her Majesty I assent to this Act.

FREDK. M. DARLEY,
Lieutenant-Governor.

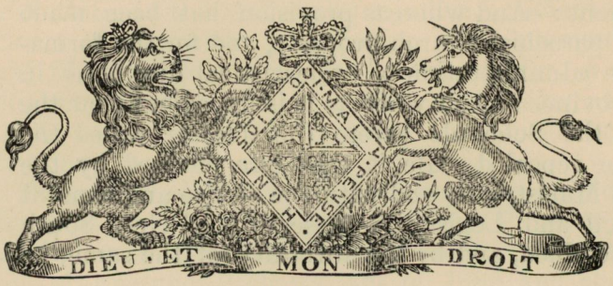
Government House,
Sydney, 24th November, 1897.

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

Legislative Council Chamber,
Sydney, 21*st October,* 1896.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

* *

No. .

An Act to repeal the Acts 7 William IV No. 3, 8 William IV No. 5, and 21 Victoria No. 4, to bring lands held for Church purposes under the provisions of Ordinances of Synod, to validate the appointment of past trustees under the said repealed Acts, and to make provision for vesting lands held on trust in the present trustees and in new trustees without conveyance.

WHEREAS by an Ordinance duly passed by the Church of England Provincial Synod of the Province of New South Wales, intituled "The Repealing Act Application Ordinance of 1895," it was ordained and ruled that application should be made to Parliament to pass an Act providing for the repeal of the Act eighth William the Fourth number five, and of the Act seventh William the Fourth number three (so far as the same has not already been repealed by the Act twenty-sixth Victoria number nineteen), and of the Act twenty-first Victoria number four, but without prejudice to anything done under the said Acts before the repeal thereof; that in the said repealing Act provision should be made for bringing under the provisions of any Ordinance which may be from time to time in that behalf passed by the Synod of any diocese in the province, or by the Provincial Synod at the instance of any such diocese, all lands held for the benefit of the Church in such diocese (save and except such lands as might be Preamble.

by

by any such Ordinance exempted from the provisions thereof), whether the said lands were held upon the trusts of the repealed Acts or upon any other trusts, but without prejudice to anything done under such trusts respectively before the said repeal; and that in the said repealing Act provision should be made for validating all appointments of trustees theretofore made or purporting to have been made under the Act eighth William the Fourth number five, notwithstanding that such appointments of trustees were not in place of original trustees nominated or elected under section one of the said Act, and notwithstanding that the lands and hereditaments the subject of the trust might not have been conveyed to or vested in such first-mentioned trustees, and notwithstanding any other irregularity or defect in their appointment: And whereas provision has been made for the management of parochial church property, and for the formation of a tribunal for the administration of ecclesiastical discipline in every diocese in the province: And whereas it is expedient that the several Acts specified in the Schedule hereto (hereinafter called the Church Acts) should be repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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1. The several Acts mentioned in the Schedule hereto are hereby repealed.

Lands how vested.

2. All lands which, at the date of the commencement of this Act, are held by any persons or person, or corporation, as trustees or trustee upon trust for any parochial church purpose in connection with the Church of England in any diocese in this Colony, and whether subject to the provisions of the said Church Acts, or any of them or not (and in the case of lands so subject whether made so subject by reference in the deed or instrument creating the trust or otherwise), except lands, the management of which may be specially provided for by Ordinance of Synod or by Act of Parliament, shall be held subject to the provisions of any Ordinance or Ordinances in force for the time being in such diocese freed and discharged from the provisions of the trust deeds and of the said Church Acts, but not diverted from the purposes to which the said lands are respectively devoted.

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Property vested in new trustees.

4. Whenever a new trustee or new trustees shall be appointed under the provisions of any Ordinance in force for the time being in any diocese in this Colony in place of any trustee who has died, or refused, or become unfit or incapable to act in the trust in him reposed, or who desires to be discharged from his trusteeship, all the said property (if any) for the time being vested in the surviving or continuing trustee or trustees, or in the executors or administrators of any trustee, shall, upon such appointment and without the necessity for any deed or instrument, become vested in such new trustee, either

solely

solely or jointly with the surviving or continuing trustee or trustees, as the case may require, and every new trustee appointed as aforesaid shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the instrument creating the trust.

Bishop's certificate of appointment.

5. A certificate signed by the Bishop of the diocese, or his commissary, or by the Administrator of the diocese, shall be conclusive evidence that the persons named in such certificate are the duly constituted trustees of the lands mentioned in such certificate, and in the case of lands under the operation of the Real Property Act shall entitle such trustees to be registered as the proprietors thereof, and to have a certificate of title issued to them without any formal transfer.

Previous judgments not affected.

6. Nothing in this Act shall prejudice or affect any judgment of any Court of competent jurisdiction given previous to the commencement of this Act, or any proceeding, matter, or thing lawfully done or contracted to be done before the commencement of this Act.

Interpretation.

7. The term "lands" in this Act shall mean lands and hereditaments of any tenure including chattels real.

Not to affect other Church Acts.

8. This Act shall not repeal or in any way cut down or abridge the provisions of the Church of England Trust Property Incorporation Act, 1881, the Sydney Bishopric and Church Property Act, 1887, or the Church of England Property Act of 1889, and shall be read as supplementary to and enlarging the provisions of the said Acts.

Short title.

9. This Act may be cited as the "Church Acts Repealing Act of 1896."

SCHEDULE.

The Act 7 William IV, No. 3.
The Act 8 William IV, No. 5.
The Act 21 Victoria, No. 4.

Sydney: Charles Potter, Government Printer.—1896.

[3*d*.]