

CHURCH OF ENGLAND
TRUST PROPERTY
INCORPORATION.

An Act to provide for the creation of corporate bodies of Trustees in which property belonging to the Church of England may be vested and to make further provisions in reference thereto. [31st March, 1881.]

Preamble.

WHEREAS by an Act thirtieth Victoria intituled "*An Act to enable the Members of the United Church of England and Ireland in New South Wales to manage the property of the said Church*" certain powers are conferred on the Members of the said Church (now more properly described as the Church of England in New South Wales) meeting in Synod as therein mentioned of managing the property of the said Church And whereas the Members of the said Church are desirous that in order to enable them to carry out the powers of management conferred by the said Act the property of the said Church should be vested in corporate bodies of Trustees in manner hereafter mentioned 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 authority of the same as follows viz. :—

Meaning of words
"said Church."

1. For all the purposes of this Act the words "said Church" shall be taken to designate and apply to the Church mentioned and referred to in the said Act thirtieth Victoria as "the United Church of England and Ireland in New South Wales."

Trustees to be chosen
by Synod and notified
in *Gazette*.

2. So soon as Trustees not being more than five or less than three in number have been duly chosen by the Synod of any Diocese as persons in whom it is desired that the property real and personal of the said

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said Church in such Diocese shall be vested the same shall be notified in the New South Wales *Government Gazette* under the hand of the President of such Synod and immediately upon such notification and from thenceforth the said Trustees shall be and they are hereby constituted a body politic and corporate by the name of incorporation mentioned in such notification by which name the said Trustees shall have perpetual succession and a common seal and shall sue and be sued or otherwise appear and answer and be answered and may take and hold to them and their successors by grant will or otherwise in perpetuity or for any term of life or years as well chattels and other personal property as lands buildings and other hereditaments and may let all or any of such hereditaments on lease for any term of years not exceeding ninety-nine or (in any case where originally a power of sale shall have been given) may absolutely sell and in all cases as to personal property may sell the same subject to the provisions hereinafter contained.

Incorporation of such Trustees.

3. All property now vested or purporting to be vested in the Bishop of any Diocese upon any trust for the Church of England shall be held to be and shall be vested in the Bishop for the time being of such Diocese notwithstanding that such Bishop may not have been appointed under Letters Patent from the Crown.

Property vested in Bishop.

4. All property real and personal which may belong to or may be vested in any person or persons including any Bishop for the time being as a Trustee or Trustees or to or in any Bishop as sole Trustee for the said Church or for the purposes of the said Church in any Diocese shall upon the consent of such Trustee or Trustees or the majority of them become vested in the said corporate body Provided that if in consequence of death or other disability the consent of any Trustee or Trustees cannot be obtained within twelve months after the constitution of each corporate body it shall be lawful for the Bishop of the Diocese to consent in place of any such Trustee and notification of any consent under this section published in the said *Government Gazette* under the hand of the said Bishop shall be *prima facie* evidence of such consent.

Real and personal Estate to be vested in Corporate Trustees with consent of present Trustees.

5. All property so becoming vested in any corporate body of Trustees as hereinbefore mentioned so far as the same or any part thereof is affected by any express trust shall be held managed and dealt with by the said corporate body of Trustees subject to and in conformity with such express trust and save as aforesaid shall be held managed and dealt with in such manner in all respects as the Synod of the Diocese shall by rule or ordinance duly made and passed from time to time direct and appoint.

Property vested in Trustees to be managed and dealt with subject to express trusts as Synod of Diocese shall direct.

6. Provided always and it is hereby declared that whenever property so becoming vested in a corporate body of Trustees as hereinbefore mentioned shall consist of a Church vested in Trustees under the provisions of the Acts seventh William the Fourth number three and eighth William the Fourth number five or either of them then and in such case the said Church shall for all the purposes of the trusts affecting the same under the said Acts or either of them thenceforth be treated and dealt with as if it were a Church vested in the Bishop of the diocese for the time being as sole Trustee thereof

Proviso as to Church vested in Trustees under Act 7 Wm. IV No. 3 and 8 Wm. IV No. 5.

7. Any vacancy occurring by the death resignation removal or incapacity of a Trustee being a member of a body corporate of Trustees constituted under this Act shall be filled up by election by the Synod of the Diocese for which such body corporate shall be Trustees and the filling up of the said vacancy shall be notified in the *Government Gazette* under the hand of the President of such Synod within thirty days after the vacancy shall have been so filled up as aforesaid.

Provision for appointment of new Trustees in case of vacancies.

Wagga Wagga Gas.

Ordinances recorded
in the Supreme Court
to be *prima facie*
evidence thereof.

8. A copy of any rule or ordinance made under or by virtue or in pursuance of the several articles and provisions mentioned and referred to in the said Act thirtieth Victoria and in any manner relating to property the subject matter of this Act shall within three months after the said rule or ordinance shall be made be recorded in the Supreme Court and the same or a duly certified copy thereof shall be *prima facie* evidence of the said rule or ordinance having been duly made.

Short title.

9. This Act may be cited and shall be known as the "Church of England Trust Property Incorporation Act 1881."
