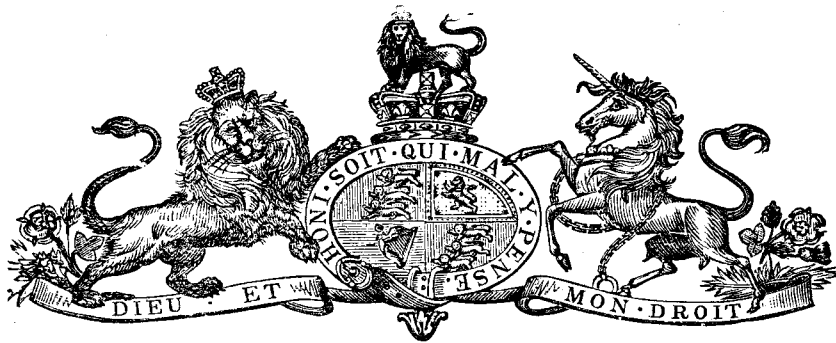


T A S M A N I A.

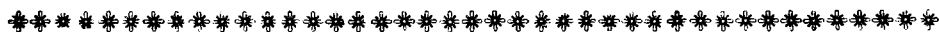


1899.

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 6.



AN ACT to amend the Church of *England* A.D. 1899.
Constitution Acts. [29 September, 1899.]

WHEREAS it is expedient to further amend the Church of *England* PREAMBLE.
Constitution Acts: 22 Vict. No. 20.

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Church of *England* Constitution Short title.
Amendment Act, 1899.”

2 In this Act, “property,” unless a contrary intention appears, shall Definition clause.
extend to and include real and personal property, and any estate or
interest in any property, real or personal, and any mortgage or other
debt, and anything in action, and all messuages, tenements, and
hereditaments, corporeal and incorporeal, of every kind and description
(whatever may be the estate or interest therein), together with all paths,
passages, ways, waters, watercourses, liberties, privileges, easements,
plantations, gardens, mines, minerals, and quarries, and all trees and
timber thereon or thereunder lying or being, unless the same are
specially excepted.

Church of England Constitution.

A.D. 1899.

Power to amend
Constitution.
22 Vict. No. 20.

3 Notwithstanding anything contained in "The Church of *England* Constitution Act," "The Church of *England* Constitution Amendment Act," (1882) and "The Church of *England* Constitution Amendment Act, 1892," it shall be lawful for the Synod of the Church of *England* in *Tasmania* from time to time, by Act, to amend, alter, or rescind its Constitution in all respects as the said Synod may think proper and expedient: Provided that such Act shall not amend, alter, or rescind the authorised standards of Faith and Doctrine of the said Church, and shall be in accord with, and subservient to, the spirit and intendment of the general law now in force, or which may hereafter be in force in *Tasmania*.

Repeal of Sect.
18 of
22 Vict. No. 20.

4 Section Eighteen of "The Church of *England* Constitution Act" is hereby repealed, but no act, matter, or thing omitted to be done under the said Section shall render or be deemed to have rendered invalid or illegal any Act or Resolution heretofore made or passed by the Synod.

Trustees a body
corporate, &c.

5 The Trustees of the property of the Church of *England* in *Tasmania* shall be, and they are hereby created, a body corporate having a perpetual succession and a common seal, and shall have and exercise all legal rights, powers, privileges, and authorities appendant and incidental to a body corporate: Provided the number of such Trustees shall not be less than Three.

Corporate name.

6 The corporate name or title of the said Trustees shall be "The Trustees of the Property of the Church of *England* in *Tasmania*," and such body corporate shall have and exercise all the rights, powers, privileges, duties, and authorities of Trustees appointed in pursuance of the provisions of the Church of *England* Constitution Acts.

Power to appoint
new Trustees.

7 It shall be lawful for any Trustee of the property of the said Church at any time, by writing under his hand, directed to the Diocesan Secretary, to resign his Trusteeship, and in the event of the resignation, decease, absence from *Tasmania* for twelve months, or incapacity to act of any one or more of the said Trustees, then the Synod may by Act or Resolution appoint a Trustee or Trustees in the place of the Trustee or Trustees so resigning, dying, or being absent from *Tasmania*, or becoming incapable as aforesaid.

Certificate of
Secretary *primâ*
facie evidence of
appointment of
Trustees.

8 In all Courts and all legal proceedings instituted by or against the Trustees of the property of the Church of *England* in *Tasmania* the production of the certificate of the Secretary of Synod of the appointment of the said Trustees or any one or more of them shall on production only be deemed sufficient *primâ facie* evidence without further proof that such Trustees or any one or more of them have been duly appointed according to law, and the onus of proof to the contrary shall rest on the person or persons challenging the validity of such appointment.

Power to delegate
power to Diocesan
Council.

9 It shall be lawful for the Synod, by Act or Resolution, to authorise and empower the Diocesan Council of the said Church, or any other duly appointed Council or Committee of Management of the affairs of the said Church, during the interval between the sessions of Synod, to nominate and appoint from time to time a substitute or substitutes for any Trustee or Trustees who may from any of the causes aforesaid have ceased to be a Trustee or Trustees of the property of the said Church:

Church of England Constitution.

Provided, that any such substitute or substitutes shall hold office only until the next session of Synod. A.D. 1899.

10 All property now vested in or held by any Trustee or Trustees of the property of the said Church, and whether subject to the provisions of "The Real Property Act," or held under the general law, shall from and after the passing of this Act be, and the same is hereby, vested in the said body corporate for all the estate and interest therein of such Trustee or Trustees, as fully and effectually as if valid assurances in the law thereof had been made and executed by him or them to such body corporate, subject to the special trusts (if any) affecting the same, and such body corporate shall thenceforth be deemed the registered proprietor of such property under "The Real Property Act," subject to the provisions thereof.

Vesting of
property in
Trustees of
Church Property.
25 Vict. No. 16.

11 The Recorder of Titles, upon the application in writing under the seal of the said body corporate, and upon proof to his satisfaction of the identity of any property affected under "The Real Property Act," shall issue to the applicant such instrument or instruments of Title as are by the said Act provided for.

Recorder of
Titles to register
new Trustees.

12 In "The Church of *England* Constitution Act," "The Church of *England* Constitution Amendment Act," and "The Church of *England* Constitution Amendment Act, 1892," and in all Acts and Resolutions of Synod referring to the Trustees of the Property of the said Church, the expression "The Trustees of the Property of the Church of *England* in *Tasmania*" shall henceforth be read and construed as the Trustees by this Act created a body corporate as if such body corporate had been expressly named in all such Acts and Resolutions.

When Trustees in
previous Acts
mentioned, same
shall be construed
as Trustees
mentioned in this
Act.

13 The said Trustees shall have power to make such Rules and Regulations as they may deem necessary for carrying out the purposes of this Act. Such Rules and Regulations shall be laid before Synod at its next session, but shall be in force until disallowed by Synod.

Power of
Trustees to make
Rules.

14 "The Church of *England* Constitution Act," "The Church of *England* Constitution Amendment Act," and "The Church of *England* Constitution Amendment Act, 1892," except so far as the same are altered, amended, or repealed by this Act, shall with this Act be read and construed as one and the same Act.

Acts to be read
together.

