

No. XVIII.

PRESBYTERIAN
CHURCH TEM-
PORALITIES.

An Act to amend an Act intituled “ *An Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales.*” [7th October, 1840.]

Preamble.
8 Wm. IV. No. 7.

All powers privileges and advantages conferred on the Presbytery of New South Wales by the Act 8 Wm. IV. No. 7 to be vested in “ The Synod of Australia in connexion with the Established Church of Scotland” so soon as that body shall have been formed.

The real estate in churches or chapels and ministers’ dwellings &c. now held in behalf of congregations under the spiritual superintendence of the Presbytery of New South Wales shall continue to be held by the same trustees and their successors in behalf of congregations under the

WHEREAS by an Act of the Governor and Legislative Council of New South Wales passed in the eighth year of the reign of His late Majesty King William the Fourth intituled “ *An Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales*” certain powers privileges and advantages were conferred upon the Presbytery of New South Wales and the ministers of the churches and congregations subject to the spiritual authority thereof and whereas the said Presbytery have in compliance with the recommendation of the commission of the General Assembly of the Church of Scotland agreed that it is expedient for the good government of the Presbyterian Church in the said Colony that a Synod should be formed comprehending all the ministers and congregations in the said Colony in connexion with the Church of Scotland and whereas it has been agreed that the said Synod shall bear the name of “ The Synod of Australia in connexion with the Established Church of Scotland” and whereas it is also expedient that the said recited Act be so amended as that it may apply to the said “ Synod of Australia in connexion with the Established Church of Scotland” Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That the several powers privileges and advantages conferred upon the Presbytery of New South Wales and the ministers of the congregations under its spiritual superintendence by the said recited Act shall as soon as the said Synod of Australia shall have been formed and notice of such formation shall have been published by order of His Excellency the Governor in the *New South Wales Government Gazette* be vested in and belong to the said Synod and the ministers of the congregations under its spiritual superintendence as fully and effectually to all intents and purposes as if the said Synod had been formed and in existence at the time of the passing of the said recited Act and been specially named and mentioned therein Provided always that the several powers privileges and advantages conferred by this Act upon the said Synod of Australia shall cease and determine unless the said Synod shall continue its adherence to the doctrines of the Confession of Faith and to the other standards and formularies of the Established Church of Scotland and in the exercise of discipline shall follow the laws of that church.

2. And be it enacted That all and every the real estate in all churches and chapels ministers’ dwellings burial grounds and glebe lands and the sites of the same and in all other lands and hereditaments appertaining thereunto which have heretofore been held or are now held by trustees appointed under the provisions of the said recited Act in behalf of the several congregations under the spiritual superintendence of the said Presbytery of New South Wales or by the trustees of any church or churches in which it is required that Divine service shall be performed by an ordained minister of the Church of Scotland shall continue to be held by the same trustees and their successors duly and lawfully appointed in behalf of the same congregations

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gregations under the spiritual and ecclesiastical superintendence of "The Synod of Australia in connexion with the Established Church of Scotland" as fully and effectually in all respects as if the said Synod were specially named in the said recited Act and invested with all the powers privileges and advantages thereby conferred on the Presbytery of New South Wales.

3. And whereas by an Act of the said Governor and Legislative Council passed in the seventh year of the reign of His late Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" it was amongst other things enacted that with regard to churches or chapels already built and repaired or maintained at the public expense or for the ministers whereof stipends were issued from the Colonial Treasury it should and might be lawful for the Governor with the advice of the Executive Council within six months after the passing thereof to nominate not less than three nor more than five of the pewholders of any such church or chapel belonging to the religious denomination for whose use the said church or chapel was maintained to be trustees thereof and to whom and the heirs of the survivor of such trustees should be conveyed as soon as conveniently might be the real estate in the said church or chapel and minister's dwelling upon trust for the maintenance and repair of such church or chapel and minister's dwelling and for the provision out of the revenues belonging to or arising from the use of the said church or chapel in such manner as should be lawfully appointed of all things necessary for the celebration of Divine worship therein and whereas by the hereinbefore first recited Act passed in the eighth year of the reign of His late Majesty King William the Fourth after reciting that trustees for Presbyterian churches and chapels were appointed without the selection of the Presbytery of New South Wales and it was expedient to appoint trustees for such churches or chapels conformably to the provisions thereof it was enacted that such appointment of trustees under the provisions of the said recited Act passed in the seventh year of the reign of His late Majesty King William the Fourth should be declared to be null and void and that the election and appointment of trustees for Presbyterian churches or chapels already built should and might be made in manner therein directed within six months from the passing thereof and whereas from various unavoidable causes such elections and appointments of trustees were not made within the time in such last recited Act limited and it is expedient to extend the time within which such elections and appointments may be made Be it enacted That the election and appointment of trustees for any Presbyterian churches and chapels already built for which trustees have not yet been appointed in manner aforesaid shall and may be made as in the said last recited Act is directed within seven years from the passing of this Act Provided however that no stipend be issued from the Colonial Treasury to the ministers of any Presbyterian church or chapel for which trustees under the said recited Acts have not been appointed until such trustees shall have been so appointed.

spiritual superintendence of "The Synod of Australia in connexion with the Established Church of Scotland."

Trustees may be appointed within seven years from the passing of this Act for churches or chapels for which trustees have not been already appointed Provided no stipend be issued to the minister of any church for which trustees have not been appointed under the Act 8 Wm. IV. No. 7 until such trustees shall have been appointed.