

An Act to regulate the temporal affairs of
Churches and Chapels of the Religious
Society denominated Primitive Methodists.
[27th February, 1879.]

Preamble.

WHEREAS with regard to churches chapels and ministers dwellings of the Primitive Methodist Church it is expedient to make provision for creating a succession of properly qualified trustees according to the usages and regulations of the said Church or connexion and for defining the manner in which the trusts thereby created or hereafter created as affecting any property of the said Church or connexion may be fulfilled and generally for the purpose of regulating and managing the affairs of the said Church or connexion and of any property belonging thereto 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:—

Election of trustees

1. From and after the passing of this Act the trustees of all Primitive Methodist churches chapels ministers' dwellings school-rooms burial-grounds or glebe land in the Colony of New South Wales shall be elected and appointed in the manner following that is to say at a special meeting of the subscribers the leader or leaders of the classes the society stewards and such other persons as may be members of the circuit committee and the superintendent minister of the circuit for the time being within whose jurisdiction such church chapel or ministers dwelling is intended to be built or where the burial-ground or glebe land or other land belonging to the said connexion shall be situated and the persons composing the said meeting or the majority of them shall put in nomination any number of persons not less than three nor more than ten being members of or friendly to the said Primitive Methodist connexion such nomination to be laid before the next ensuing quarterly meeting of the circuit as aforesaid for its approval and in the event of the non-approval thereof by such quarterly meeting then such election shall take place *de novo* and so on from time to time until such approval be obtained.

Superintendent
minister entitled to
vote at all meetings |

2. The superintendent minister for the time being lawfully appointed and recognised by the annual district meeting or conference of the said Primitive Methodist connexion in the Colony aforesaid as the superintendent minister of the circuit as aforesaid shall *ex officio* be entitled to be present at all meetings of the trustees or other meetings concerning the affairs of the church or chapel and shall at
all

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all such meetings be entitled to vote upon any question concerning the affairs of the church or chapel of which he is the superintendent minister as aforesaid or concerning the ministers dwelling thereof and in case the said superintendent minister shall be unable to attend his colleague or one of his colleagues in the ministry belonging to the same circuit with himself being nominated by such superintendent minister shall be entitled to be present and to take part in the proceedings of and have a vote at all such meetings as aforesaid in like manner as the said superintendent minister might have acted and voted if personally present.

3. The persons present at such trustees meetings and entitled to vote thereat or the majority of them shall choose a chairman and shall decide any question or matter proposed at such meeting and respecting which votes shall be given and in case there should be at any such meeting an equality of votes the chairman shall have a casting vote in addition to the vote he shall otherwise be entitled to and all acts and deeds done and executed in pursuance of any such decision as aforesaid shall be good valid and binding on all persons entitled to vote at the meeting who may be absent or being present may be in the minority.

4. Every person who shall be nominated and appointed as such trustee as aforesaid shall be a member of or friendly to the said Primitive Methodist connexion being free and above the age of twenty-one years.

5. If any trustee shall be absent from the said Colony or become resident of any district above one hundred miles distant from the church or chapel dwelling school-room burial-ground or other land for which he is such trustee for more than twelve months in succession or shall be a confirmed lunatic or shall become disqualified by reason of improper conduct or otherwise within the meaning of this Act (of which disqualification as far as regards spiritual matters the quarterly meeting of the circuit at the suit of the other trustees or of the leaders meetings shall be the judge) it shall and may be lawful for the members of the said connection in the district where such vacancy shall occur to proceed to the election in manner aforesaid of one or more trustees (as the case may be) to fill up the vacancy which shall or may so occur such election to be subject to approval in manner hereinbefore provided.

6. Whenever and so often as the trustees shall by death incapacity insolvency or refusal to act or when the number of trustees through any means or causes whatsoever shall be reduced to the number of two or before they are so reduced if the trustees or the major part of them assembled at a meeting of the trustees or the quarterly meeting of the circuit consider it expedient then and in every such case their steward or the superintendent minister of the circuit in which the said church or chapel dwelling school-room burial-ground or other land is for the time being situated shall as soon as may be and from time to time cause public notice to be given in the said church or chapel during the time of divine service of a meeting to be holden therein or in some other convenient place after one week's interval at least for nominating twice the number required of suitable persons to be trustees if so many suitable persons can be found in the neighbourhood as shall together with such of the old trustees as shall continue in the trust make up in the whole the original number of trustees (or more than that number if the trustees for the time being or the major part of them assembled at a meeting of the trustees think it expedient to appoint a greater number) such meeting to be composed of the old trustees the leader or leaders of the classes and the superintendent minister for the time being or the majority shall put in nomination so many persons being friendly to or

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members of the said Primitive Methodist connexion as shall be double the number of trustees required to be elected and out of the persons so put in nomination the next ensuing quarterly meeting of the circuit aforesaid shall elect and appoint so many persons to be trustees as shall together with such of the old trustees as shall continue in the trust make up the original number of trustees or more if it be deemed expedient to appoint a greater number And upon such election having taken place in due form the trust estate shall thereupon in every case without any conveyance or transfer vest in such new and such continuing and surviving trustees upon such and the same trusts as such trust estate was held by the original trustees or such of the said trusts as shall be then subsisting or capable of taking effect.

Trustee to account.

7. No trustee shall be permitted to resign his office until he shall have duly accounted to the satisfaction of his co-trustees for all sums of money at any time received by him in his said trust.

In certain cases district committee may appoint.

8. If the surviving or continuing trustees of any such church or chapel dwelling school-room burial-ground or other land or the superintendent minister for the time being of the circuit in which the said trust premises are situated shall not within twelve months after the death resignation absence infirmity or removal from office as aforesaid give public notice of a meeting to be held for filling up the vacancy as aforesaid it shall and may be lawful for the district committee of the Primitive Methodist connexion in the Colony aforesaid by writing through its secretary to nominate and appoint a person or persons duly qualified as aforesaid to fill up the vacancy as aforesaid and such appointment shall operate as if the trustee so appointed were duly elected in the manner hereinbefore provided.

Duties of trustees.

9. And whereas for the more effective discharge of the duties of trustees of Primitive Methodist churches or chapels dwellings school-rooms burial-grounds or other lands it is expedient that their powers and duties should be defined Be it declared and enacted that the duties of the said trustees shall be solely confined to the temporal concerns of the said churches and chapels such as the collection of pew rents donations bequests devises of lands or other property for the erection maintenance and repair of the church chapel school-room or minister's dwelling for which they shall be appointed or for a burial-ground or glebe land thereunto annexed and the payment of all debts incurred in the working of the said trust And it is hereby declared that the said trustees shall have no power or authority to dismiss or remove the minister of any such church or chapel to which they are or shall be appointed.

Worship in churches or chapels.

10. It shall be lawful from time to time and at all times hereafter for the trustees of any church or chapel erected according to the provisions of this Act to permit freely and without any interruption to preach and expound God's Holy Word and to perform the usual acts of public worship in accordance with the usages of the said Primitive Methodist connexion in the said church or chapel only such person or persons as shall from time to time be approved by the said annual meeting of the district assembly in New South Wales and of the conference of the said Primitive Methodist connection from time to time held and also in the event of any vacancy or vacancies occurring in the appointment or appointments of the preacher or preachers so stationed by the district meeting and conference aforesaid during the interval between any of the annual meetings whether such vacancies shall have been occasioned by the death resignation removal or suspension from office of any such preacher as aforesaid then to permit any other person or persons who may be appointed in his or their behalf by the circuit quarterly meeting of the said Primitive Methodist connexion within whose jurisdiction the said church or chapel may for the time being be situated in the said church

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church or chapel in accordance with the said rules and usages of the said connexion to officiate in the place or places of the said deceased resigned removed or suspended person or persons in the mean time and until the next following annual district assembly and conference such appointment to be subject to the approval of the aforesaid district committee.

11. And also to permit any other person or persons being a Persons to officiate. member or members of the said Primitive Methodist connexion whom the circuit quarterly meeting within whose jurisdiction the said chapel or place of religious worship may for the time being be situated or any other person or persons authorized by such meeting to make such appointment shall from time to time appoint to officiate in the said chapel or place of religious worship in accordance with the aforesaid rules and usages upon some particular occasion or occasions for which the appointment or appointments shall be made under such authority as aforesaid And upon trust that when any two of the trustees for the time being together with the superintendent minister of the station within which the said chapel or place for religious worship may be situate shall think it proper to direct and shall direct that the use of the said chapel or place of religious worship and the right of officiating and conducting the services thereof shall be allowed upon some particular occasion or occasions to any person or persons other than as aforesaid and notwithstanding that the person or persons to whom such direction shall apply may not be a member or members of the said Primitive Methodist connexion then to permit such last-mentioned person or persons and him or them only to officiate in and conduct the services at the said chapel or place of religious worship on such last-mentioned occasion or occasions and in accordance with any such last-mentioned appointment as aforesaid Provided always and it is hereby expressly declared that every minister or other person officiating in any of the said churches or chapels and all members of the said Primitive Methodist connexion shall be bound by and submit to the doctrines and usages of the connexion as expressed and declared in a certain deed-poll under the hands and seals of Hugh Bourne James Bourne and William Clowes bearing date the fifth day of February one thousand eight hundred and thirty and enrolled in Her Majesty's High Court of Chancery in England on the tenth day of February one thousand eight hundred and thirty.

12. It shall and may be lawful for the trustees of any Primitive Alteration of buildings. Methodist church or chapel minister's dwelling or school-room or the major part of the members of a trustee meeting with the sanction of the district building committee in the Colony as aforesaid when and so often as they shall deem the same necessary or expedient to take down and remove the said church or chapel buildings or premises or any part or parts thereof respectively for the purpose of rebuilding or enlarging or altering the said church or chapel dwelling school-room or appurtenances belonging thereto.

13. It shall and may be lawful for the trustees as aforesaid or Power to mortgage. the major part of them to appoint convey and assure in fee for any term or terms of years the said church or chapel minister's dwelling school-room or any part or parts thereof respectively to any person or persons for securing such sum or sums of money as may be requisite or necessary for the carrying out of the trusts herein defined.

14. In case the congregation attending any church or chapel Power of sale. shall be so reduced that the income arising from rents collections and subscriptions shall be inadequate to meet and discharge the interest (if any) of moneys borrowed and then due and owing upon or on account of the said church or chapel minister's dwelling or school-room and the various current expenses attending the services that may from time to time be conducted or if for any other reason or reasons what-

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soever the trustees or the major part of the members present at a trustees' meeting shall deem it expedient to sell the said church or chapel minister's dwelling or school-room and glebe lands or any part or parts thereof it shall and may be lawful for the said trustees or the majority of them with the consent of the district building committee for the time being to sell the said church or chapel minister's dwelling school-room and glebe lands or any or either of them for the best price or prices in money that can reasonably be obtained for the same and well and effectually to convey and assure the said church or chapel minister's dwelling school-room glebe land or other property so sold to the purchaser or purchasers thereof his her or their heirs and assigns or as he or she or they shall direct and appoint and the trustees shall apply the said money arising from the sale of the said church or chapel minister's dwelling school-room glebe land or other property and which shall be received by the trustees aforesaid in paying off the debt or debts (if any) owing on account of the said trust premises or invest the same or the residue thereof in the purchase or erection of a larger or more commodious church or chapel minister's dwelling school-room or otherwise in aid of a church or chapel belonging to the Primitive Methodist connexion as the trustees with the approbation of the quarterly meeting of the circuit in which the said church or chapel shall for the time being be situated shall determine And no purchaser or mortgagee shall be bound to inquire into the expediency or legality of any sale or mortgage nor to the application of any moneys paid to the said trustees in respect of such sale or mortgage Provided that no lands granted by the Crown to the said Church shall come within the operation of this or the preceding section.

Powers of leasing.

15. Whenever and as often as it shall happen that the glebe or other lands belonging to any church or chapel under this Act can be advantageously let (such land not being in possession or occupation of any minister duly appointed to officiate in such church or chapel or with the consent of the minister being in such possession) it shall and may be lawful for the said trustees with the further consent of the circuit quarterly meeting aforesaid signified in writing to enter into and upon the said glebe or other lands and to let the same upon leases for any term not exceeding twenty-one years reserving the rents issues and profits thereof to the said trustees for the time being who shall and may receive and apply the same or any part thereof in or towards building or enlarging the church or chapel minister's dwelling or school-room to which the glebe or other land is annexed or in paying the stipends of the minister or ministers who shall for the time being be employed as aforesaid in the circuit where such glebe or other land may be situated or in any other way as the trustees or a majority of them with the consent of the said quarterly meeting may think fit provided further that no money or moneys so obtained shall be given to any fund not belonging to the Primitive Methodist connexion in accordance with this Act.

Trustees to collect and recover money.

16. It shall and may be lawful for the trustees appointed or to be appointed according to the provisions of this Act to collect and gather all and every sum or sums of money which may be due and payable for pews or sittings in such church or chapel for which they have been so appointed according to the rent or rate assessed for the same or any other sum or sums of money due on account of the said church or chapel or of the minister's dwelling school-room burial-ground or glebe land annexed thereto and to sue for the recovery of the same from all persons who shall fail or refuse to pay the same according to the terms of their engagement and the said trustees out of the moneys so received or recovered as far as the same will extend shall regularly apply the same for the purposes before mentioned.

Redmond's Estate.

17. A general meeting of the trustees for the time being jointly with the said superintendent minister shall be held once at least every year in the said church or chapel or some other convenient place of which meeting due notice shall be given in the said church or chapel during the time of divine service or by post seven days at least before or previous to such meeting and at such meeting the said trustees or the major part of them by their steward or stewards treasurer or treasurers shall produce a fair and clear account of all moneys received and paid with vouchers for or on account of the said church or chapel and when such account shall have been properly audited and allowed by the said trustees or the major part of them present at the meeting and signed by the president and secretary of the said trustees' meeting the said accounts shall be considered audited and passed and the accounts thus audited and signed shall be transmitted through the next ensuing quarterly meeting of the circuit to the secretary of the district building committee aforesaid. Accounts to be rendered.

18. All lands and real estate which at the time of the passing of this Act shall be vested in trustees for the said Primitive Methodist connexion shall be subject to the provisions of this Act and all lands and real estate which hereafter may be granted conveyed or transferred upon trust for the said Primitive Methodist connexion shall in like manner be subject to the provisions of this Act whether the conveyance transfer or other deed or instrument creating the trust shall so declare or not and as regards existing trusts in all cases where at the time of the passing of this Act there shall be less than three surviving or continuing trustees before the next quarterly circuit meeting an election and nomination of additional trustees shall take place in manner hereinbefore provided so that the number may be increased to not less than three nor more than ten as aforesaid. Provided always that nothing in this Act contained (other than as regards the election and continuing of a proper succession of trustees) shall be deemed to affect any real estate which may be the subject of any express trust for the benefit of the said Primitive Methodist connexion and nothing in this Act contained shall be deemed to deprive any person of any advantage or emolument to which he is now by law entitled. All real estate belonging to the Primitive Methodist Church to be subject to the provisions of this Act.

19. This Act may be cited as the "Primitive Methodist Church Temporalities Act 1879." Short title.