

*Primitive Methodist Church Property.*

## Act No. 40, 1897.

PRIMITIVE  
METHODIST CHURCH  
PROPERTY.

An Act to amend the Primitive Methodist Church Temporalities Act, 1879, and to grant powers of dealing with properties held on trusts for the benefit of the said church discharged from trust in certain events, and for other purposes incidental thereto. [10th December, 1897.]

Preamble.

WHEREAS with regard to churches, chapels, ministers' dwellings, schoolrooms, burial grounds, glebe, or other lands of the Primitive Methodist Church, it is expedient to make better provision for creating a succession of properly qualified trustees: And whereas by reason of change of circumstances, unsuitability of site, or other cause or causes it is or may be impossible or undesirable to carry out or continue to carry out the trusts declared concerning some of the said lands or buildings, or of moneys held on trust for the said church: And it is also desirable that powers should be given for the beneficial use of others of the said lands or buildings until the same shall be required for the purposes for which the same have been or may be granted; and it is desirable to provide for other contingencies hereinafter 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 the authority of the same, as follows:—

Appointment of  
new trustees.

1. Where any lands shall have been or shall hereafter be vested in any person or persons as trustees for the benefit of the Primitive Methodist Church, and a vacancy or vacancies shall occur or have occurred in the said trust by reason of the death, resignation, refusal or incapacity to act, or removal of any trustee or trustees, or from any other cause, it shall be lawful for the district committee or the annual assembly of the Primitive Methodist connexion in the said Colony to declare the existence of such vacancy or vacancies, and the district committee or annual assembly may thereupon or at any time thereafter proceed to elect a new trustee or trustees as the case may require, and the filling up of such vacancy or vacancies shall be forthwith notified in the Gazette under the hand of the president of the said connexion in the Colony for the time being lawfully appointed and recognised, and the said trust property shall, thereupon, without further assurance, vest in the said trustee or trustees so appointed, either solely or jointly with the surviving or continuing trustee or trustees as the case may be.

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*Primitive Methodist Church Property.*

2. From and after the commencement of this Act in any case in which lands, churches, chapels, ministers' dwellings, schoolrooms, glebe lands, or other buildings or hereditaments belonging to or situate within the limits of any circuit or mission, or otherwise within the jurisdiction of the New South Wales district of the Primitive Methodist connexion now existing, or which may hereafter be created, are now or may hereafter be vested in trustees, and are or may be held upon any express trust for the use and benefit of the Primitive Methodist Church, and by reason of circumstances which have occurred since the creation of any such express trust it has, in the opinion of the district committee, or of the annual assembly of the said church, become impossible or inexpedient to carry out and observe the particular purpose or purposes to which such lands, churches, chapels, ministers' dwellings, schoolrooms, glebe lands, or other lands, buildings, and hereditaments, or any of them, are by such trusts devoted, it shall be lawful for the district committee, or the annual assembly aforesaid, by resolution (passed according to the regulations of the Primitive Methodist connexion), to declare such opinion, and by the same or any subsequent resolution to direct that any such land, buildings, or hereditaments shall be sold, demised, mortgaged, or let on mining, building, or occupation leases, including the laying out and dedicating of streets, or otherwise dealt with, freed from such trusts, and such trusts shall thereupon, by force of the said resolution, cease and determine.

Disposal of money,  
and sale, lease, &c.,  
of lands, &c., held on  
express trusts.

3. If it shall at any time appear to the trustees, or a majority of them, or to the district committee or annual assembly, that it is expedient to obtain an advance of money upon the security of any such lands, buildings, or hereditaments for the purpose of carrying out and giving effect to the trust or substituted purpose attached to the same, and such trustees, or district committee, or annual assembly shall, by resolution, so declare it shall be lawful for the trustees, or a major part of them, subject always to the approval of the district committee or annual assembly, by resolution as aforesaid, to direct that such lands, buildings, and hereditaments shall or may be mortgaged for such amount as they shall or may thereby authorise to be obtained by way of advance on the security of the same, and that the amount to be raised shall be applied for or towards the purposes in this section mentioned.

Mortgage of lands,  
&c.

4. Whenever it shall appear to the district committee or annual assembly aforesaid, and the district committee or annual assembly shall so declare that it is expedient to let on building, mining, or occupation leases any such lands, buildings, and hereditaments as hereinbefore mentioned for the purpose of obtaining income therefrom in furtherance or aid of the trusts attached to the same, or in furtherance or aid of some substituted purposes to which the said district committee or annual assembly shall have determined to apply the same in cases wherein it shall, in the declared opinion of the said district committee

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OR

*Primitive Methodist Church Property.*

or annual assembly, be or have become impossible or inexpedient to carry out the particular purpose or purposes to which the said land, buildings, and hereditaments were devoted by trust, it shall be lawful for the said district committee or annual assembly from time to time, by resolution passed in like manner as hereinbefore mentioned, to direct that the said land, buildings, and hereditaments shall be let on mining, building, or occupation leases, including the laying out and dedicating of streets and public places, or be otherwise dealt with for procuring income therefrom as aforesaid, and that the income to be derived therefrom shall be applied in furtherance or aid of the said trust or substituted purposes in such manner as shall in such resolution be specified freed from such trusts, as the case may be, if the said district committee or annual assembly shall have so required; and in that case such trust shall by force of such resolution cease and determine.

Consent of private donors.

5. Provided always and it is hereby enacted that the powers given in sections two, three, and four of this Act shall in the case of lands, buildings, or hereditaments, or of proceeds, rents, or moneys arising from lands, buildings, or hereditaments which have been gratuitously granted or assured upon trust for or for the use and benefit of the Primitive Methodist Church by any private donor be subject to the consent previously had and obtained of such donor if living or the like consent of his lawful personal representatives if he be dead, and if his gratuitous grant or assurance upon trust shall have been made within twenty years.

How sale to be carried out.

6. Whenever any such direction as aforesaid shall have been given, the trustees shall forthwith carry out such direction, and shall execute and do all necessary deeds, conveyances, assurances, mortgages, leases, or other instruments, acts, and things for giving full and complete effect to such direction in accordance with the true intent and meaning of the resolution by which such direction shall have been given. And every deed, conveyance, assurance, mortgage, lease, and other instrument, act, or thing so executed or done by the said trustees in exercise of the authority of this section conferred upon them shall fully and effectually vest such real and personal property, both at law and in equity, for the estate and interest mentioned in and purporting to be granted and assured by such deed, conveyance, mortgage, lease, or other instrument, act, or thing in and upon the person or persons accepting the same to all intents and purposes whatsoever, and that freed and absolutely discharged from the trusts upon which such real and personal property had theretofore been held.

Non-liability of purchasers.

7. No purchaser, mortgagee, lessee, or other person, upon any sale, mortgage, demise, or other proceeding purporting to be made under the powers granted by this Act, shall be concerned to see or enquire into the necessity or propriety thereof, or the mode of exercising the same, or be affected by notice that the exercise of the power

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*Primitive Methodist Church Property.*

is unauthorised, irregular, or improper, nor to see to the application or disposition of any purchase, mortgage, or other money or rent paid by him.

8. The moneys arising from any such sale, mortgage, lease, or other dealing as aforesaid, and all money mentioned in such direction, shall be paid to the trustees or to such other person or persons as the resolution by which such sale, mortgage, lease, or other dealing may have been authorised may direct. And the receipt of the said trustees or other person or persons as the case may be shall be an effectual discharge therefor. Moneys to whom paid.

9. It shall be lawful for the district committee or annual assembly by any such resolution as aforesaid, or by any subsequent resolution passed in like manner and from time to time, but subject to the proviso contained in the fifth section of this Act, to direct how and in what manner any proceeds, rents, and other moneys arising from any such sale, demise, or dealing as aforesaid shall be dealt with and applied, and the same shall be dealt with and applied accordingly: Provided that such proceeds, rents, and other moneys shall (after payment thereof of all proper expenses) be dealt with and applied for the use and benefit of the Primitive Methodist Church in the circuit or mission for the benefit of which the land, buildings, or hereditaments from which such proceeds, rents, or other moneys shall have arisen may be or may have been held in trust, or for which such moneys are held in trust, and for the same purposes as nearly as may be for which the said lands, hereditaments, and moneys had been previously held, unless the district committee or annual assembly shall by any such resolution as aforesaid, or by any subsequent resolution passed in like manner, declare that, by reason of circumstances which have occurred since the creation of the express trust upon which the said lands, buildings, hereditaments, or moneys are held, it is, in the opinion of the district committee or annual assembly, impossible or inexpedient to apply the said proceeds, rents, or moneys in such circuit or mission for the same or like purposes, in which case the said proceeds, rents, or moneys may (after payment thereof of all proper expenses) be dealt with and applied for the use and benefit of the Primitive Methodist Church for some other purpose than as before-mentioned, and in any other portion of the district. Application of proceeds.

10. Pending the application of any moneys to arise as aforesaid the same may be invested by the said trustees or other person or persons authorised to receive the same as aforesaid, as the case may be, in Government or real securities in the said Colony, or on fixed deposit in any bank. Temporary investments.

11. This Act may be cited for all purposes as the "Primitive Methodist Church Property Act of 1897." Short title.