

No. II.

An Act to enable the Society denominated Wesleyan Methodists to appoint Trustees for Chapels built before the Year One thousand eight hundred and thirty-six. [3rd July, 1839.]

WESLEYAN CHAPELS
TRUSTEES.

WHEREAS by an Act of the Governor of New South Wales with the advice of the Legislative Council thereof 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 among other things recited and enacted That it was expedient that trustees should be appointed for those churches or chapels already built which were repaired and maintained at the public expense or for the ministers whereof stipends were issued from the Colonial Treasury and that it should 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 the said 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 or 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 another Act of the Governor and Legislative Council of the said Colony passed in the second year of the reign of Her present Majesty Queen Victoria intituled "*An Act to regulate the temporal affairs of the Religious Societies denominated Wesleyan Methodists Independents and Baptists*" it was among other things recited and enacted That with regard to chapels and ministers' dwellings of the religious societies denominated Wesleyan Methodists Independents and Baptists it was expedient to make further provision for creating a succession of properly qualified trustees according to the usages and regulations of the said societies respectively and for defining the manner in which the trusts thereby created should be fulfilled and that as soon as any church or chapel and minister's dwelling belonging to the societies aforesaid respectively should be erected it should be lawful for the trustees or the survivor of them or the heirs of such survivor who should be appointed in pursuance of the Act herein first recited and he and they were thereby authorized and required at the request in writing of any three or more of the subscribers to the undertaking or of any three or more of the members of the society or denomination for whom the said church or chapel was erected to convey the said trust-premises with any lands or hereditaments thereunto belonging to any number of trustees to be nominated and elected according to the usages of such society as aforesaid not being less than three nor more than five and to their heirs to hold the real estate of and in the said hereditaments to the use of such society upon the trusts stated and set forth in a model deed of such

Preamble.

7 Wm. 4 No. 3.

2 Victoria No. 7.

Customs.

society to be enrolled in the Supreme Court of New South Wales within two years after the passing thereof Provided always that if the original trustees or the survivor of them or the heirs of such survivor should leave the Colony of New South Wales or should become either naturally or legally incapacitated to act or should neglect or refuse to make such conveyance for six calendar months after such requisition as aforesaid then in any of such cases the fee simple of the trust estate should pass from the said original trustees or the survivor of them or the heirs of such survivor to the Registrar for the time being of the Supreme Court of New South Wales who was thereby authorized and required forthwith to make a proper conveyance of the said estate to the new trustees in manner therein set forth And whereas there are certain chapels in the town of Sydney one situated in Macquarie-street and another in Prince-street the property of one of the societies aforesaid denominated the Wesleyan Methodist Society for which trustees have not been appointed according to the provisions of the said first recited Act And whereas to entitle the two Wesleyan Chapels aforesaid to the benefits of the said first recited Act it is necessary that trustees should be appointed conformably to the provisions thereof and of the said last recited Act Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That any appointment of trustees for the two Wesleyan Chapels aforesaid which may have been heretofore made shall be and the same is hereby declared to be null and void and that the election and appointment of trustees for the said two Wesleyan Chapels respectively shall and may be made as in the two hereinbefore recited Acts is directed within six months from the passing of this Act.

Former appointments of trustees declared null and void new appointments under 7 Wm. 4 No 3 and 2 Victoria No. 7 to be made within six months from the passing of this Act.