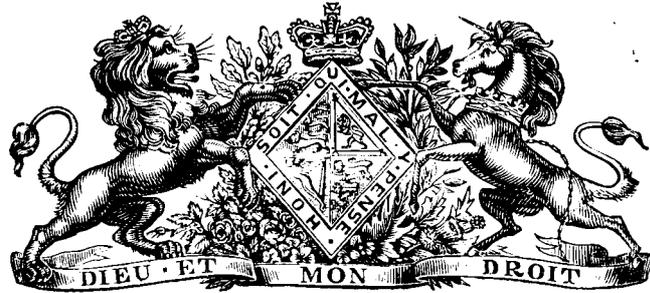


New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to adapt and assimilate the Trusts of Wesleyan Methodist Church Properties in New South Wales to the present constitution of such Church in the said Colony, and for other collateral purposes. [30th April, 1889.]

WESLEYAN
METHODIST CHURCH
PROPERTY TRUST.

WHIEREAS an Act was passed by the Governor and Legislative Council of New South Wales, second Victoria number seven, to regulate the religious affairs of the Wesleyan Methodists, Independents, and Baptists, whereby the trustees appointed under another and previous Act of such Legislature, seventh William the Fourth number three, were authorized to transfer chattels and lands held by them to new trustees, to be held upon trusts stated in any model deed recognised and established by the usages of each particular society. And whereas an indenture of release, bearing date the twenty-seventh day of February, one thousand eight hundred and forty, and made or expressed to be made between John Jenkins Peacock, William John Munce, Josiah Atwool, Sizar Elliott, and James Chapman, therein described of the first part; Joseph William Brown, William Rowe, and John Jones, therein described of the second part; Josiah Atwool, Thomas Wheaton Bowden, James Blanch, Mark Blanchard, James Chapman, Sizar Elliott, William Hebblewhite, Lancelot Iredale, John Jones, William Matthews, William John Munce, John Neale, John Jenkins Peacock, George Smith, and John Von Mungerhoussen Weiss, therein described of the third part; and Samuel Moore Munce, therein described of the fourth part, was duly enrolled in the Supreme Court of New South

Preamble.

2 Vic. No. 7.

7 Wm. IV, No. 3.

Wesleyan Methodist Church Property Trust.

Model deed for the Wesleyans of New South Wales.

How Church properties hitherto settled.

Formation of Wesleyan Methodist Church.

New constitution.

Authority for new model deed.

South Wales, in pursuance of the provisions of the said recited Act, as the model deed of the said society, denominated Wesleyan Methodists, and the hereditaments and premises therein comprised were thereby conveyed (*inter alia*) upon trust to permit such persons only to preach and perform the usual acts of religious worship therein, as should be duly appointed by or under the authority of the English Conference, and such model deed is hereinafter referred to as the "Model Deed for the Wesleyans of New South Wales." And whereas most of the Church lands in New South Wales have been conveyed or settled upon the trusts of such model deed, as to those not under the operation of the "Real Property Act," by means of conveyances referring to such trusts, and as to those under the operation of such Act by the trustees as the registered proprietors thereof executing separate declarations of trusts. And whereas the said society denominated Wesleyan Methodists (hereinafter called the Wesleyan Methodist Church in New South Wales) has always formed an integral portion of the Australasian Wesleyan Methodist Church as constituted from time to time by the English Conference. And whereas such Australasian Wesleyan Methodist Church has now a separate and independent constitution approved of by the said English Conference, and is now divided into four Annual Conferences, respectively called "The New South Wales and Queensland Conference," "The Victoria and Tasmania Conference," "The South Australian Conference" and "The New Zealand Conference," such annual Conferences being comprised in and governed by a General Conference assembling once every three years, or at such other intervals, more or less, as it may deem expedient, each Annual Conference having among other things, the power of appointing its own Ministers—a copy of which constitution and also a copy of a certain deed poll of John Wesley, hereinafter referred to, are set forth in the Schedule to "The Wesleyan Methodist Model Deed of New South Wales, 1888," also hereinafter particularly mentioned. And whereas, by the authority of the General Conference held in November, one thousand eight hundred and eighty-four, and with the sanction and approval of the said English Conference a new model deed has been prepared and adopted by the New South Wales and Queensland Conference, containing trusts and provisions adapted and assimilated to the present constitution of the Wesleyan Methodist Church in New South Wales, to the end and intent that all lands belonging to, or held on behalf of such Church, may hereafter be held upon such trusts and provisions and discharged from all previous trusts. And the said New South Wales and Queensland Conference has also been duly invested by the said General Conference, with the approval of the English Conference, with full authority to obtain an Act of the Legislature of New South Wales to attain that object. And whereas such new model deed is dated the ninth day of July, in the year of our Lord one thousand eight hundred and eighty-eight, and is made or expressed to be made between Ellen Schofield, of Waverley, near Sydney, in the Colony of New South Wales, widow, of the first part; the Reverend George Lane, the Reverend Jabez Bunting Waterhouse, the Reverend Joseph Horner Fletcher, the Reverend Joseph Oram, the Reverend William Kelynack, D.D., the Reverend William Clarke, the Reverend George Martin, the Reverend William George Richards Stephenson, the Reverend Richard Caldwell, the Reverend George Brown, the Reverend Richard Sellors, D.D., the Reverend Charles Stead, the Reverend John Gardiner, the Reverend Adin Parsons, the Reverend James Woolnough, Peter Percival Fletcher, George Crawshaw, Benjamin Herbert Chapman, the Hon. Ebenezer Vickery, M.L.C., George Hurst, Peter Miller, Walter William

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William Joseph O'Reilly, Thomas Parker Reeve, George William Barker, Walter Hamilton McClelland, William Robson, Robert William Conway, Benjamin James, John Corbett, and Thomas Cummins (all therein respectively described) of the second part; and Arthur Wigram Allen (also therein described) of the third part; and whereas such model deed has been duly attested, executed, and registered in the office of the Registrar for Deeds as number seven hundred and fifteen, book three hundred and ninety-six, and such deed is herein referred to as "The Wesleyan Methodist Model Deed of New South Wales, 1888." And whereas it is necessary to obtain power for carrying some of the trusts and provisions contained in such last-mentioned deed into effect, and for establishing a trustee register, whereby the due succession of trustees for Church lands may be maintained without conveyance or transfer, and for creating facilities for proof. 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:—

1. The short title of this Act shall be the "Wesleyan Methodist Church Property Trust Act, 1889." Short title.

2. In the interpretation of this Act the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:— Interpretation clause.

"English Conference" means the Yearly Conference of the people called Methodists in England as explained in the deed poll of the twenty-eighth February, one thousand seven hundred and eighty-four, executed by John Wesley, and enrolled in the High Court of Chancery in England.

The term "Church lands" includes all lands and premises in New South Wales of whatever tenure, and chattels real which now are or may at any time hereafter be held in trust for or on behalf of the Wesleyan Methodist Church in New South Wales, together with all churches or chapels, dwelling-houses, schools and all other buildings thereon, and also all fittings, fixtures, rights, easements and appurtenances whatever relating thereto and respectively or therewith usually held or enjoyed.

"Custodian of Deeds" means such person of the Wesleyan Methodist Church in New South Wales as may from time to time be appointed in that capacity by the New South Wales and Queensland Conference, and "Acting Custodian of Deeds" means such person as may be appointed to such office by the President for the time being of the New South Wales and Queensland Conference.

The words "legal proceedings" shall include all proceedings whatever, whether preliminary or initiatory, interlocutory or final in any Court of Justice or before the Registrar-General or Examiners of Title.

"New South Wales and Queensland Conference" means the Annual Conference of the Australasian Wesleyan Methodist Church for the time being embracing within its jurisdiction the Colony of New South Wales, whether alone or combined as at present with another Colony, such Annual Conference being duly constituted by the General Conference.

3. The Registrar-General of New South Wales is hereby empowered and directed to enrol in his office "The Wesleyan Methodist Model Deed of New South Wales, 1888," hereinbefore referred to, when such deed is presented or tendered to him for that purpose by or on behalf of the President for the time being of the New South Wales and

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and Queensland Conference, and a printed copy of the said deed, certified by the Custodian of Deeds, shall also be lodged with the Registrar-General in the Land Titles Office.

How present and future lands to be held.

4. All Church lands held before the commencement of this Act upon the trusts of the "Model Deed for the Wesleyans of New South Wales," and all Church lands which have been acquired or shall hereafter be acquired by gift, purchase, devise, bequest, or otherwise, for the Wesleyan Methodist Church, without any special trusts being attached thereto, but subject to any mortgage, charge, incumbrance, lien, or lease affecting the same, shall, after the coming into operation of this Act, be conveyed or transferred to, and be held upon the trusts, and subject to the provisions of "The Wesleyan Methodist Model Deed of New South Wales, 1888," or any future alteration or modification thereof, which shall have been or shall be duly authorized by the said New South Wales and Queensland Conference, with the approval of the said General Conference. And the Registrar-General is hereby authorized, where the Church lands acquired or to be acquired are held under the "Real Property Act," to register any transfer, and to issue certificate or certificates of title in the names of the transferees therein mentioned, or any subsequent trustees thereof, subject to the provisions of "The Wesleyan Methodist Model Deed of New South Wales, 1888."

Conveyance, &c., executed by majority sufficient

5. Where any sale, mortgage, exchange, or lease of any Church lands shall be made in pursuance of, and in conformity to such trusts, in case such Church lands shall not be under the operation of the "Real Property Act," the conveyance, mortgage, exchange, or lease thereof, and all other deeds and documents necessary for effectuating such sale, mortgage, exchange, or lease, if executed by a majority of the trustees for the time being of the said Church lands named in the register of trustees hereinafter mentioned, shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease. And, in case such Church lands shall be under the operation of the "Real Property Act," the transfer, mortgage, exchange, or lease thereof, and all other necessary documents shall be as effectual if signed by a majority of the trustees for the time being of such Church lands named in such register of trustees, as if such transfer, mortgage, exchange, or lease, or other document had been duly signed by all the trustees or registered proprietors thereof: Provided always that the trustees making any such transfer, conveyance, mortgage, exchange, lease, or other document shall consist of not less than three in number: Provided also that any trustee absent from the Colony may join in, make, and execute any such conveyance, transfer, mortgage, exchange, lease, or other document as aforesaid by his attorney, duly appointed by him in that behalf.

Absent trustee may execute by attorney.

Register of trustees to be kept.

6. The Custodian of Deeds for the time being appointed by the New South Wales and Queensland Conference to act in that capacity on behalf of the Wesleyan Methodist Church in New South Wales, or the Acting Custodian of Deeds for the time being hereinafter mentioned, shall keep, or cause to be kept, a register of trustees of the several Church lands, and such register shall be called and inscribed as "The Wesleyan Methodist Church Register of Trustees for New South Wales," and shall be in the form or to the effect contained in the First Schedule hereto; and such Custodian of Deeds or Acting Custodian of Deeds shall with all reasonable despatch enter or cause to be entered in such register of trustees the names, addresses, and occupations of the present trustees of such Church lands, with all other particulars indicated by the said Schedule, and such

First Schedule.

Present trustees to be entered therein.

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such Custodian of Deeds or Acting Custodian of Deeds shall from time to time, upon the appointment of any new trustee or trustees of any Church lands, insert or cause to be inserted in such register of trustees the name, address, and occupation of such new trustee or trustees, and how the vacancy in the trust occurred, whether by death or otherwise, and the date of the appointment of the new trustee or trustees, and also the date of insertion of his or their name or names in such register of trustees, and such Custodian of Deeds or Acting Custodian of Deeds shall sign his name in such register of trustees, in the proper column, in the same line with the name of every trustee (old and new), to authenticate the due appointment of each trustee. And such Custodian of Deeds or Acting Custodian of Deeds may at any time or times issue a certificate, in the form or to the effect in the Second Schedule hereto, under his hand, stating who is or are the trustee or trustees of any particular Church lands specified therein at the date of such certificate, or who was or were such trustee or trustees at any particular date specified in such certificate, and such register of trustees shall on all reasonable occasions be open to the inspection of the members or adherents of the said Church and all others interested therein.

Future trustees to be also entered therein.

Certificate of Custodian of Deeds or Acting Custodian of Deeds.

Second Schedule.

Inspection of register.

7. The Custodian of Deeds for the time being, or the Acting Custodian of Deeds for the time being, hereinafter mentioned, shall have full power at any time to amend the register of trustees, by rectifying any error or supplying any omission therein, and shall initial such amendment and affix thereto the date the same was made, and shall not erase or render illegible the part so rectified; and the register so amended shall have all the validity and operation by this Act conferred upon the register of trustees.

Amendment of register of trustees.

8. On the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of any Church lands not under the operation of the "Real Property Act," the estate in such Church lands of the trustee or trustees in whose place such new trustee or trustees shall be appointed, shall forthwith vest in such new trustee or trustees solely or jointly, as the case may be, with the continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and upon and subject to the same trusts, without any conveyance or assignment whatsoever; and on the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of Church lands under the operation of the "Real Property Act," such new trustee or trustees, together with the continuing trustees (if any) shall for all purposes be taken to be the trustee or trustees for the time being thereof. And the trustee or trustees for the time being appearing by the register of trustees to be the trustee or trustees of any Church lands under the "Real Property Act" shall be entitled to be entered or registered in the register book kept under the provisions of such Act as the proprietor or proprietors thereof within the meaning of the said Act without any formal transfer, and to have a certificate of title issued to him or them, or in his or their name or names, as such proprietor or proprietors, but subject to the said "Wesleyan Methodist Model Deed of New South Wales, 1888" and to any then subsisting mortgage, lien, incumbrance, or lease.

Legal estate to pass to new trustees without conveyance.

New trustees entitled to become proprietors, and to have certificates of title issued to them without transfer.

9. The entries in the register of trustees authorized by section six of this Act to be made therein when authenticated by the signature of the Custodian of Deeds for the time being or the Acting Custodian of Deeds for the time being, and any extract purporting to be an extract from such register of trustees in the form or to the effect in the Second Schedule hereto certified under the hand of such Custodian of Deeds

Register of trustees and certificate of Custodian of Deeds sufficient evidence.

Deeds

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Deeds or Acting Custodian of Deeds shall be received and taken in all legal proceedings, and in all dealings with such lands before the Registrar-General or the Examiners of Title, and on all occasions whatsoever as sufficient evidence of the several extracted matters comprised in such extract, so far as the same may relate to any particular Church property without the production of such register of trustees, and judicial notice shall be taken of the signature of the Custodian of Deeds or Acting Custodian of Deeds to every such extract.

Appointment of Acting Custodian of Deeds.

Tenure of Acting Custodian.

Designation of powers and duties of.

Signature.

Government Gazette evidence of appointment of Custodian of Deeds and Acting Custodian of Deeds.

Printed minutes of Conferences evidence.

How to cite model deed.

10. In case of the decease, illness, absence from the Colony of New South Wales, or temporary incapacity of such Custodian of Deeds some other person may as hereinafter mentioned be appointed to act in his place, but for not a longer period than the due appointment of a Custodian of Deeds at the next annual meeting of the New South Wales and Queensland Conference, and such other person shall be designated the Acting Custodian of Deeds of the said Church, and such Acting Custodian of Deeds during the time for which he shall be so appointed shall have, perform and execute all the powers, authorities and duties of such Custodian of Deeds, and shall underneath his signature in the said register of trustees, or affixed to any certificate given by him under the provisions hereof, or to any extract made by him from such register of trustees, write the words Acting Custodian of Deeds of the said Church. And the New South Wales *Government Gazette* containing a notification by the President for the time being of the said Conference of the appointment of such Custodian of Deeds or of such Acting Custodian of Deeds as aforesaid shall be sufficient evidence of the due appointment of such Custodian of Deeds and Acting Custodian of Deeds respectively. A copy of such *Gazette* notice signed by the President for the time being of the said Conference shall also be registered in the office of the Registrar for Deeds in the Land Titles Office.

11. A print, purporting to be a printed copy of the minutes of the English Conference or of the said General Conference or of any of the four said Annual Conferences constituted by such General Conference, or of any Annual Conferences which may at any time hereafter be duly constituted by the said General Conference respectively, shall if certified under the hand of such Custodian of Deeds or Acting Custodian of Deeds be taken and received in all legal proceedings and on all occasions whatsoever as *prima facie* evidence of all resolutions and orders touching or concerning all elections or expulsions, consents, disbursements, delegations, appointments, and of all acts and proceedings whatsoever of such English Conference, General Conference, or Annual Conference respectively, without the aid of any further proof whatever, and a print, purporting to be a printed copy of the said "Wesleyan Methodist Model Deed of New South Wales, 1888," and of the Schedule thereto attached, shall also, if certified under the hand of such Custodian of Deeds or Acting Custodian of Deeds, be received and taken in all legal proceedings and on all occasions whatsoever as *prima facie* evidence of such deed and of the constitution of the said General Conference and of the four said Annual Conferences, and of the aforesaid deed poll of John Wesley, without the production of the originals thereof respectively, and a document, purporting to be a copy of the model deed for the Wesleyans of New South Wales, shall, if certified under the hand of such Custodian of Deeds or Acting Custodian of Deeds, in like manner be received as *prima facie* evidence of such deed without the production of the original deed.

12. It shall be sufficient to cite "The Wesleyan Methodist Model Deed of New South Wales, 1888" by that title.

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FIRST SCHEDULE.

The Wesleyan Methodist Church register of trustees for New South Wales.

FOLIO 1.—[*Words of description such as Wesley Church,*] comprised in conveyance, registered the day of , A.D. 18 , number [insert], book [insert]. If under the "Real Property Act" [insert] comprised in certificate of title; entered in register book, volume [insert], folio [insert].

NUMBER OF TRUSTEES (*state number*).

Name of trustee.	Address and occupation of trustee.	Date of appointment of new trustee.	Date of insertion of name of new trustee herein.	Signature of Custodian of Deeds.	How vacancy occurred in trust, such as death or the like.	Signature of Custodian of Deeds or Acting Custodian of Deeds.
A.B.	Pitt-street, Sydney, Merchant.					
C.D.	Similar.					
E.F.	"					
G.H.	"					
I.J.	"					
K.L.	"					
M.N.	"					
O.P.		20th Dec., 1889.	1st Jan., 1890.		By death of A.B., a former trustee.	

SECOND SCHEDULE.

Certificate as to trustees of Church Lands.

I HEREBY certify that [*here insert names and addresses of the trustees for the time being or for the time specified (as the case may be) as shown by the register of Trustees*] are (or were on the day of 18), the Trustees of [*here specify the particular Church lands*].

Dated this day of 188 .

Custodian of Deeds or Acting Custodian of Deeds.