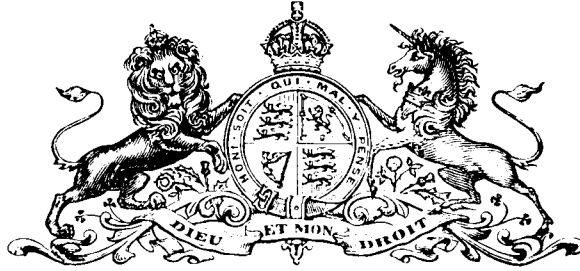


# New South Wales.



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## EDWARDI VII REGIS.

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An Act to consolidate the Acts regulating the temporal affairs of the Presbyterian Church of Australia in the State of New South Wales, and to amend the same. [29th November, 1904.]

PRESBYTERIAN  
CHURCH PROPERTY  
CONSOLIDATION.

**W**HIEREAS the temporal affairs of the Presbyterian Church of Australia, in the State of New South Wales, are regulated by an Act 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; an Act passed in the fourth year of the reign of Her late Majesty Queen Victoria, intituled an Act to amend 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; an Act passed in the twenty-eighth year of the reign of Her said Majesty, intituled the Presbyterian Church Act of 1865; an Act passed in the forty-fifth year of the reign of Her said Majesty, intituled the Presbyterian Church Property Management Act of 1881; an Act passed in the fifty-eighth year of the reign of Her said Majesty, intituled the Presbyterian Church Property Management (Amendment) Act of 1894; and an Act passed in the sixty-fourth year of the reign of Her said Majesty, intituled the Presbyterian Church of Australia Act, 1900: And whereas it is expedient to consolidate

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consolidate the said Acts: And whereas it is also expedient to amend the said Acts, and to provide that the whole property of the Presbyterian Church shall vest in one body of trustees, and that the said trustees shall be a body corporate: Be it therefore enacted by the King'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:—

The trustees to be a body corporate.

**1.** The trustees shall be a body corporate by the name of the Trustees of the Presbyterian Church of Australia in the State of New South Wales, and shall have perpetual succession and a common seal, and shall be capable of acquiring and holding any property, real or personal, and of suing and being sued by the aforesaid name.

Who are the trustees.

**2.** The trustees shall be the Moderator and the Clerk of the General Assembly, the chairman of the treasurership committee, the convener of the sustentation fund committee, the convener of the church property, law, and documents committee, the convener of the home mission committee, and the convener of the aged and infirm ministers' fund committee, respectively, of the General Assembly, and their successors in office.

Vesting of all property in the trustees without conveyance or transfer.

**3.** All property now or hereafter held by any person in trust for the Presbyterian Church generally or for any congregation of the said church, and for any other purpose in connection with the said church or any congregation thereof, or for any person or body connected therewith shall, without any conveyance or transfer, vest in the trustees: Provided that if any such property is subject to any charge or mortgage, it shall not vest in the trustees without the consent of the chargee or mortgagee thereof until such charge or mortgage has been discharged, or until the trustees have, with the consent aforesaid, undertaken to answer any liability in respect of such charge or mortgage.

Saving the rights of certain trustees.

**4.** All the provisions now in force with respect to the appointment, resignation, removal, powers, rights, and duties of congregational trustees shall continue in force with respect to such trustees until the property vested in them is, in accordance with the provisions of this Act, transferred to the trustees hereby constituted.

Property held by the trustees to be dealt with as the General Assembly may direct.

**5.** All property held by the trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in such manner as the General Assembly may direct.

General Assembly may make regulations.

**6.** The General Assembly may make regulations for the management, leasing, mortgaging, sale, and disposition of any property held by the trustees, and also for the purchase of freehold property as an investment for the funds of the church: Provided that no regulation shall be passed to allow any such property to be leased, mortgaged, or sold without the consent of the congregation unless notice of such regulation shall have been given at the previous annual session of the General Assembly.

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7. The trustees may, with the consent of the General Assembly <sup>Power to sell.</sup> and the congregation, provided that such congregation consist of not less than thirty persons who are communicants and financial seat-holders, sell any property vested in them by public auction or private contract in one lot or several lots, as they may deem most expedient, for such price as can be reasonably obtained for the same, and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchaser thereof, his heirs, executors, administrators, or assigns, according to the estate or interest of the trustees therein absolutely freed and discharged from the trusts affecting the same, and the receipt in writing of a majority of the trustees for the purchase money for any property sold under this Act shall absolutely discharge the purchaser thereof from the purchase money payable by him, and shall exonerate him from seeing to the application of the said purchase money and from all liability as to the misapplication or non-application thereof, and shall be conclusive evidence that such consent to sell as aforesaid has been given by the General Assembly, and the before-mentioned members of the congregation.

8. The proceeds of any land sold under the provisions of this Act and all moneys paid by the Government as compensation for any lands resumed by them shall, with the consent of the General Assembly, <sup>Disposal of proceeds of sale.</sup> be applied by the trustees in the purchase of other lands as a site for a church or a minister's dwelling-house or a school-house, for the use of the congregation for which the land so sold or resumed was held in trust, and in and towards the erection, improvement, or maintenance of a church or a minister's dwelling-house or a school-house upon the said site, or if such application of the said proceeds or moneys, wholly or in part, shall be deemed inexpedient by the General Assembly then for such other religious or educational purposes in connection with the Presbyterian Church as the trustees with the consent aforesaid may determine, or with the consent also of the congregation in and towards the erection, improvement, or maintenance of a church, minister's dwelling-house, or a school-house upon other lands vested in the trustees in trust for the said congregation or upon the unsold portion of any of the lands aforesaid.

9. The trustees may from time to time, with the consent <sup>Power to mortgage or sell subject to mortgage.</sup> of the General Assembly and the before-mentioned members of the congregation, mortgage any real or personal property vested in them, or any part thereof, upon the best terms that can be obtained for the same, or sell the same as aforesaid subject to such mortgage, and in every such case of sale or mortgage to convey and assure the same accordingly free from all the trusts upon which the same were held, and to give valid receipts for all moneys received by them; and such receipts shall absolutely discharge the purchaser or mortgagee thereof from the money payable by him, and shall exonerate him from seeing to

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to the application of the said money and from all liability as to the misapplication or non-application thereof, and shall be conclusive evidence that such consent to sell, convey, or mortgage as aforesaid shall have been given by the General Assembly.

Disposal of moneys arising from mortgage.

**10.** The trustees shall stand possessed of all moneys arising from any mortgage as aforesaid upon trust in the first place to pay and satisfy the existing mortgage and as to the balance of the said moneys (if any), or in case there is no such existing mortgage then as to the whole of the said moneys upon trust to apply the same, with the consent of the General Assembly, in and towards the erection, improvement, or maintenance of any church, minister's dwelling-house, or school-house upon the land so mortgaged as aforesaid, or upon any other land held by the trustees in trust for the same congregation.

Power to lease.

**11.** The trustees may, with the consent of the General Assembly, by deed, lease any lands vested in them, except the church and the appurtenances thereto and the minister's dwelling-house, for a period not exceeding fifty years, reserving in every such lease the best rent that can reasonably be obtained.

Disposal of rents and profits of glebe and other lands.

**12.** The trustees shall out of the rents and profits received by them, from any glebe and other lands belonging to any congregation, in the first place pay to the minister of the said congregation the sum of one hundred and fifty pounds per annum, exclusive of stipend from other sources, and in the next place with the consent of the General Assembly apply the remainder of the said rents and profits towards the building, enlarging, or maintaining of the church or minister's dwelling-house belonging to such congregation, or to such other religious or educational purpose as the General Assembly may determine.

Rights of ministers.

**13.** The minister lawfully appointed shall have free access and admission to the church of which he is the officiating minister, and the burial ground belonging thereto, and every part thereof respectively at all times as he shall think fit, and shall freely exercise his spiritual functions therein respectively without interruption or disturbance by any person, and shall while he shall continue to be such minister as aforesaid freely use, possess, and enjoy the minister's dwelling-house and the appurtenances thereto, and shall be entitled to receive for his own use and benefit out of the rents, issues, and profits of any glebe or other lands belonging to his congregation a sum not exceeding one hundred and fifty pounds a year exclusive of stipend from other sources: Provided that no such liberty of access, admission, or possession as aforesaid for any length of time shall confer any right of possession or property on such minister after he shall have ceased to be such officiating minister as aforesaid or after he shall have been legally removed from his office.

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*Scone Cattle Sale-yards.*

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14. The deacon's court or committee of management of any congregation may fix the annual or other rent of each pew or sitting, and collect any moneys which may be due in respect of any such pew or sitting, and shall hold all moneys so collected on behalf of such congregation and apply the same as the General Assembly may by regulation or otherwise direct.

Powers of the deacon's court or committee of management.

15. In this Act—

“Presbyterian Church” means the Presbyterian Church of Australia in the State of New South Wales.

Interpretation of for as.

“The General Assembly” means the General Assembly of the Presbyterian Church.

“The trustees” means the trustees of the Presbyterian Church.

“The congregation” means the congregation of the Presbyterian Church in trust for which the property herein referred to is held.

16. Nothing contained in this Act shall be construed to repeal or in any way affect the provisions of a certain Private Act of the Legislature of New South Wales, passed in the year one thousand eight hundred and seventy, and intituled An Act to enable the trustees of certain church lands at Maitland to appropriate the income derivable from the same for the benefit of the Presbyterian congregations of Maitland East and Maitland West, and to confer extended powers of leasing on the trustees; and for other purposes.

Not to affect Maitland Presbyterian Church Land Act.

17. This Act may be cited for all purposes as the “Presbyterian Church Property Consolidation Act of 1904.”

Short title.

