

# Wesleyan Methodists, Independents and Baptists Temporalities Act 1838 No 11a

[1838-11a]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Wesleyan Methodists, Independents and Baptists Temporalities Act 1838 No 11a



New South Wales

An Act to regulate the Temporal affairs, of the Religious Societies denominated Wesleyan Methodists, Independents, and Baptists.

## Preamble

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 is amongst other things provided, That before any sum of money shall be issued from the Colonial Treasury towards the building of any Church or Chapel and Minister's dwelling, Trustees not less than three nor more than five in number, shall be nominated by the persons contributing towards the building of the same, for the approval of the Governor and Executive Council; and the real estate in the site of such Church, Chapel or Ministers Dwelling, and of any Lands or Hereditaments thereunto belonging, shall be conveyed to the said Trustees, when approved, and to the heirs of the survivor of such Trustees, upon trust, for the erection, maintenance and repair of the said Church, or Chapel, or 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 shall be lawfully appointed, of all things necessary for the celebration of Divine Worship therein; And whereas, with regard to Chapels and Ministers' Dwellings of the Religious Societies denominated Wesleyan Methodists, Independents, and Baptists, it is 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 shall be fulfilled:

Be it therefore enacted, by His Excellency the Governor, with the advice of the Legislative Council,

### **1 Trustees to be appointed under the provisions 7 William IV, No 3**

That so soon as any Chapel, or Chapel and Minister's Dwelling, belonging to the aforesaid Societies, respectively, shall be erected, it shall and may be lawful for the Trustees, or the Survivor of them, or the Heirs of such Survivor, who shall be appointed in pursuance of the Act hereinbefore recited, and he and they, are hereby authorised 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 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, and to their heirs, to hold the real estate of and in the same hereditaments to the use of such Society, upon the trusts stated and set forth in a model deed of such Society, to be enrolled in the Supreme Court of New South Wales within two years after the passing of this Act, after the same shall have been proved to the satisfaction of His Excellency the Governor, and the Executive Council to be a Deed recognized and established by the usages of the Religious Society to which it professes to belong; Provided always, that if the original Trustees or the survivor of them, or the Heirs of such Survivor shall leave the Colony of New South Wales, or shall become either naturally or legally incapacitated to act, or shall 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 shall 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 is hereby authorised and required forthwith to make a proper conveyance of the said Trust Estate to the new Trustees, in manner above set forth.

**2 Registrar of Supreme Court to enrol model Deed of Conveyance and Trust whenever presented**

And be it enacted, That the Registrar of the Supreme Court of New South Wales, shall be hereby authorised and required to receive and enroll in the said Court, a model Deed of conveyance and trust for each Society, to which this Act refers, after the same shall have been proved to the satisfaction of the Governor and the Executive Council as aforesaid whensoever the same shall be presented by the Chairman or senior Minister of the New South Wales district, on behalf of the Wesleyan Methodists; by the Minister or a majority of the Members of the Independent Church, Pitt-street, Sydney, on behalf of the Independents; and by the Minister or a majority of Members of the Baptist Church, Bathurst-street, Sydney, on behalf of the Baptists: Provided always, that it shall be lawful for any one or more of the original Trustees to act as new Trustees, when duly nominated and elected for that purpose.