

# Primitive Methodist Temporal Affairs Act 1879

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**Memorandum of the choice and appointment of new  
trustees of the following property, viz:**

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**An Act to regulate the Temporal Affairs of the Religious Society  
denominated Primitive Methodists.**

**Preamble**

WHEREAS in or about the year one thousand eight hundred and forty-four a society of the Primitive Methodist Connexion was duly established at New Plymouth, in the Colony of New Zealand, by the late Reverend Robert Ward, under and by virtue of the powers and privileges delegated to him in that behalf by the Conference of the said Connexion duly held at Lynn Regis, in the County of Norfolk, in England, in the year one thousand eight hundred and forty-four: And whereas it is expedient to make provision for creating a succession of properly-qualified trustees according, as nearly as may be to the usages and regulations of the said Connexion as declared and set forth in the deed poll and model deed of the said Connexion, and for defining as nearly as may be the manner in which the trusts affecting any property of the said Connexion may be fulfilled, and generally for the conduct of the temporal affairs of the said Connexion and the management of any property thereof:

**BE IT THEREFORE ENACTED by the General Assembly of  
New Zealand in Parliament assembled, and by the authority of  
the same, as follows:—**

**1 Short Title**

The Short Title of this Act is The Primitive Methodist Temporal Affairs Act 1879.

**2 Election of trustees**

From and after the passing of this Act the trustees of all Primitive Methodist churches, chapels, ministers' dwellings, schoolrooms, burial-grounds, glebe lands, or other property in the Colony of New Zealand, shall be elected and appointed

in manner following, that is to say: A special meeting of the minister or ministers, the leader or leaders of the classes, the society stewards, the members of the quarterly meeting, and any such other persons as the station committee may appoint, shall be convened by the superintendent minister of the station for the time being within whose jurisdiction such church, chapel, school, or minister's dwelling is intended to be built, or where the burial-ground or glebe land or other land or property belonging to the said Connexion shall be situated, and the persons composing such meeting or the majority of them shall put in nomination any number of persons not less than five or more than ten, being members of or friendly to the said Primitive Methodist Connexion.

**3 Time and place of meeting to be notified**

The time and place for holding every such meeting as aforesaid shall be publicly notified in the church or chapel, or the usual place of worship, in which the said meeting is to be held, during the time of Divine service on the Sunday preceding the said intended meeting.

**4 Nominations to be submitted to station's quarterly meeting**

The superintendent minister shall lay such nomination as aforesaid before the ensuing quarterly meeting of the station as aforesaid for its approval, and, in the event of the non-approval thereof by such quarterly meeting, then such election shall take place *de novo*, and so on from time to time until such approval be obtained.

**5 Superintendent minister entitled to attend meetings and vote**

The superintendent minister for the time being, lawfully appointed and recognized by the Annual District Meeting or Conference of the said Primitive Methodist Connexion in the colony aforesaid as the superintendent minister of the station as aforesaid, shall, *ex officio*, be entitled to be present at and to take part in the proceedings of and have a vote at all meetings of the trustees, or other meetings concerning the affairs of the

church, chapel, minister's dwelling, school, or other property of the said circuit or station.

**6 In his absence his colleagues may do so**

In case the said superintendent minister shall be unable to attend such meeting, his colleague, or any one of his colleagues in the ministry belonging to the same station with himself, being nominated by such superintendent minister, shall be entitled to be present and to take part in the proceedings of and have a vote at all such meetings as aforesaid, in like manner as the said superintendent minister might have acted and voted if personally present; and no such meeting shall be held without one of the said ministers being present thereat.

**7 Proceedings at meetings**

At any meeting held under or by virtue of this Act the persons present at such meeting and entitled to vote thereat, or the majority of them, shall choose a chairman or president of such meeting, and shall decide any question or matter proposed at such meeting and respecting which votes shall be given: And, in case the votes shall be equally divided, then the chairman or president of such meeting shall give the casting vote, which casting vote he shall have in addition to the vote he shall be otherwise entitled to; and all acts and deeds done and executed in pursuance of any such decision as aforesaid shall be good and valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said Primitive Methodist Connexion or in the same meeting.

**8 Trust property to vest in trustees and their successors**

Whenever any freehold, leasehold, or other property has been acquired or hereafter shall be acquired by or on behalf of the Primitive Methodist Connexion or any society thereof, or

subject to any trust for the said Primitive Methodist Connexion or any society thereof, or for individuals composing the same, such conveyance, assignment, or other assurance shall not only vest the freehold or leasehold or other property thereby conveyed, assigned, or otherwise assured, in the party or parties named therein, but shall also effectually vest such freehold or leasehold or other property in their successors in office for the time being and the old continuing trustees, if any, jointly, or, if there be no old continuing trustees, then in such successors for the time being solely chosen and appointed in the manner provided or referred to in or by this Act, or in or by such conveyance, assignment, or other assurance, or in any separate deed or instrument declaring the trust thereof, upon such and the like trusts, and with and under and subject to the same powers and provisions as are contained or referred to in such conveyance or assignment or other assurance, or in any such separate deed or instrument upon which such property is held, and that without any transfer, assignment, conveyance or other assurance whatsoever, anything in such conveyance, assignment, or other assurance, or in any separate deed or instrument contained to the contrary notwithstanding: Provided always that in case of any appointment of a new trustee or trustees, or of the conveyance of the legal estate in any such property being made as hereinbefore was by law required, the same shall be valid and effectual to all intents and purposes as if this Act had not been passed.

**9 Appointment of new trustee to be evidenced by deed**

For the purpose of preserving evidence of every such choice and appointment of a new trustee or new trustees, and of the person or persons in whom such property shall so from time to time become legally vested, every such choice and appointment of a new trustee or new trustees shall be made to appear by some deed under the hand and seal of the chairman of the meeting at which such choice and appointment shall be made, and shall be executed in the presence of such meeting and attested by two or more credible witnesses, which deed may be in the form of or to the effect of the Schedule to this Act annexed, or as near thereto as circumstances will

allow, and may be given and shall be received in evidence in all Courts and proceedings in the same manner and on the like proof as deeds, and shall be evidence of the truth of the several matters and things therein contained.

**10 Trust properties to be conveyed to trustees appointed under this Act**

It shall be lawful for any person or persons to whom any lands or hereditaments or other property have been or shall or may be hereafter granted or conveyed by the Crown, or any person or persons whomsoever, for any estate or interest upon trust for the said Primitive Methodist Connexion or any society thereof, and for the survivors or survivor of such persons, or their or his heirs or assigns, and he or they are hereby authorized and required at any time, at the request of the quarterly meeting of the station made in writing and signed by its chairman and secretary, to convey the said trust, premises, lands, and hereditaments to the trustees to be nominated and elected according to the provisions of this Act for the station in which the said trust, premises, lands, and hereditaments shall be situate, and to their heirs and assigns, in order that the said trust, premises, lands, and hereditaments may be fully and completely vested in such trustees, their heirs and assigns, upon the trusts, and for the ends intents and purposes, and with, under, and subject to the powers, provisions, agreements and declarations mentioned, expressed, and declared in a model deed of the said Primitive Methodist Connexion on the second day of April, one thousand eight hundred and sixty-four: Provided always that it shall be lawful for any one or more person or persons to whom any such lands or other property shall have been originally granted or conveyed upon trust for the said religious society to act as new trustees or trustee, if and when duly nominated and elected as aforesaid for that purpose, and the said trust, premises, lands, and hereditaments may be vested in or retained by him or them either alone or in conjunction with another trustee or other trustees in the same manner as if he or they had been originally a trustee or trustees of the said land so required to be conveyed as aforesaid.

**11 Disqualification of trustee**

If any trustee shall neglect to act, or shall be absent from the said colony, or shall cease to reside within one hundred miles of the church or chapel, dwelling, schoolroom, burial-ground, or other land or hereditaments for which he is such trustee for more than twelve months in succession, or shall become bankrupt or a confirmed lunatic, or shall cease to be a member of the said Primitive Methodist Connexion, or shall become otherwise disqualified within the meaning of this Act, the said trustee shall be deemed to have resigned his trusteeship.

**12 New trustees to be elected**

Whenever and so often as the number of such trustees shall by death, resignation, incapacity, or refusal to act, or through any means or causes whatsoever, be reduced to the number of three, so many suitable persons as shall, together with such of the old trustees as shall continue in the trust, be required to make up in the whole the original number of trustees, shall be forthwith elected in the manner hereinbefore prescribed: Provided that the number of such trustees may be increased if the trustees for the time being or the majority of them think it expedient.

**13 If no election, district committee may nominate new trustees**

If a sufficient number of the new trustees shall not have been elected within twelve months after the said trustees shall have been reduced to three as aforesaid, it shall and may be lawful for the district committee of the Primitive Methodist Connexion in the colony aforesaid, by writing through its secretary, to nominate and appoint a person or persons duly qualified as aforesaid to fill up the vacancy or vacancies as aforesaid, and such appointment shall operate as if the trustee or trustees so appointed had been duly elected in the manner hereinbefore provided.

**14 Duties of trustees**

The duties of the said trustees shall be solely confined to the temporal concerns of the said Primitive Methodist

Connexion, such as the collection of pew rents, donations, bequests, devises of lands or other property for the erection, maintenance, and repair of the church, chapel, schoolroom, minister's dwelling, or other property for which they shall be appointed, or for a burial-ground or glebe land thereunto annexed: And it is hereby declared that the said trustees shall have no power or authority to dismiss or remove the ministers of any church or chapel to which they are or shall be appointed.

**15 Certain preachers to have use of church or chapel**

It shall be lawful for the trustees of any church or chapel of the Primitive Methodist Connexion to permit the person or persons hereinafter designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of public worship in accordance with the usages of the said Primitive Methodist Connexion in the said church or chapel, that is to say,—

- (a) Such person or persons as shall from time to time be approved by the Annual District Meeting in New Zealand or by the Conference of the said Primitive Methodist Connection.
- (b) Such other person or persons as the station quarterly meeting of the said Primitive Methodist Connexion, within whose jurisdiction the said church or chapel may be, may appoint to officiate in the said church or chapel in place of the person or persons referred to in the preceding subsection.

**16 Alteration, etc, of churches and other buildings**

It shall be lawful for the trustees of any church or chapel, minister's dwelling, schoolroom, or other building of the said Primitive Methodist Connexion, or the majority of them, with the sanction of the district building committee in the said colony, when and so often as they shall deem it necessary or expedient, to enlarge or alter or take down or remove the said church, chapel, building, or premises, or any part or parts thereof respectively.



**17 Power to mortgage**

It shall be lawful for the said trustees or the majority of them from time to time to mortgage, and for that purpose to appoint, convey, and assure in fee or for any term or terms of years, the lands, tenements, or hereditaments held by them as such trustees as aforesaid, or any part or parts thereof respectively, to any person or persons whomsoever for securing such sum or sums of money as they may consider requisite or necessary for the due execution and accomplishment of any of the trusts vested in them.

**18 Leases may be made**

Whenever and so often as it shall happen that the glebe or other lands belonging to any church or chapel of the Primitive Methodist Connexion can be advantageously let, it shall be lawful for the said trustees, with the consent in writing of the quarterly meeting of the station in which such church or chapel may be, and of the district building committee, to let such glebe or other lands upon lease for any term not exceeding twenty-one years, reserving the rents, issues, and profits thereof to the said trustees for the time being: Provided that, if such land be in the possession or occupation of any minister duly appointed to officiate in such church or chapel, such lease shall not be made without his consent.

**19 Application of rents and other income**

The said trustees shall and may receive and apply the said rents, issues, and profits, or any part thereof, in or towards building or enlarging the church, chapel, or minister's dwelling, or schoolroom, or other buildings to which the glebe or other lands is annexed, or in paying the stipends of the minister or ministers who shall for the time being be employed as aforesaid in the station where such glebe or other land may be situate, or in any other way as the trustees or a majority of them with the consent of the said quarterly meeting may think fit.

**20 Trustees to collect pew rents, etc**

It shall be lawful for the said trustees to collect or gather all and every sum or sums of money which may be due and payable for pews and sittings in such church or chapel for which they may be acting as such trustees, or any other sum or sums of money due on account of the said church or chapel, or of the minister's dwelling, schoolroom, or other building, or other property, burial-ground, or glebe-land annexed thereto, and to sue for the recovery of the same from all persons who shall refuse or fail to pay the same according to the terms of their engagement; and the said trustees, out of the moneys so received or recovered, as far as the same will extend, shall regularly apply the same for the purposes before-mentioned.

**21 Annual meeting of trustees**

A general meeting of the trustees for the time being, jointly with the said superintendent minister, shall be held once at least every year in the said church or chapel or some other convenient place, of which meeting due notice shall be given in the said church or chapel during the time of Divine service, or by post seven days at least before such meeting; and at such meeting the said trustees or the majority of them, by their steward or stewards, treasurer or treasurers, shall produce a fair and clear account, with vouchers, showing all moneys received and paid for and on account of the said church or chapel or other Connexional building or property; and where such accounts shall have been properly audited and allowed by the trustees or the majority of them present at the meeting, and signed by the president and secretary of the said trustees' meeting, the said accounts shall be considered audited and passed, and shall be transmitted through the next ensuing quarterly meeting of the station to the secretary of the district building committee aforesaid.

**22 Power to sell**

It shall be lawful for the trustees of any lands, tenements, or hereditaments held by them as such trustees, or the majority of them, with the consent in writing of the quarterly meeting of the station in which such lands, tenements, or hereditaments

may be, and of the district building committee, to sell and dispose of the said lands, tenements and hereditaments, or any part thereof, for the best price or prices in money that can reasonably be obtained for the same, and well and effectually to convey and assure the said land or other property so sold to the purchaser or purchasers thereof, his or their heirs and assigns, or as he or she or they shall direct and appoint; and the trustees shall apply the said money arising from the sale of the said land or other property, and which shall be received by the said trustees, in paying off the debt or debts, if any, owing on account of the said trust premises, or apply the same or the residue thereof in such manner for the benefit of the Primitive Methodist Connexion as the trustees, with the approbation of the quarterly meeting of the station in which the said land or other property shall for the time being be situated, shall determine.

- 23 Trust properties to be subject to the provisions of this Act**  
All lands and real estate or property whatsoever in the Colony of New Zealand which, at the time of the passing of this Act, shall be vested in trustees for the said Primitive Methodist Connexion, shall be subject to the provisions of this Act; and all lands and real estate and property in the said colony which hereafter may be granted, conveyed, or transferred upon trust for the said Primitive Methodist Connexion shall in like manner be subject to the provisions of this Act, whether the conveyance, transfer, or other deed or instrument creating the trust shall so declare or not; and, as regards existing trusts, in all cases where at the time of the passing of this Act there shall be less than three surviving or continuing trustees before the next quarterly meeting of the station, an election of additional trustees shall take place in manner hereinbefore provided, so that the number may be increased to not less than five nor more than ten as aforesaid: Provided always that nothing in this Act contained (other than as regards the election and continuing of a proper succession of trustees) shall be deemed to alter or control any express trust affecting real estate for the benefit of the said Primitive Methodist Connexion; and nothing in this Act contained shall be deemed to deprive any

person of any advantage or emolument to which he is now by law entitled.

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**Schedule**  
**Memorandum of the choice and**  
**appointment of new trustees of the**  
**following property, viz:**

*[Description of property]* situate. At a meeting of members of the Primitive Methodist Connexion duly convened and held for that purpose at *[or in (name of place)]* on *[date]* and of which *[name of Chairman or President A B]* was chairman or president:

Whereas the several persons firstly named at the foot hereof were, prior to the date of these presents, trustees of the above-mentioned properties: And whereas at a meeting of the members of the Primitive Methodist Connexion, duly convened and held as aforesaid, a choice and appointment of new trustee was duly made: Now it is hereby declared that the several persons secondly named at the foot hereof are now the trustees in whom the said property has become legally vested.

OLD TRUSTEES

Name	Residence	Occupation
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NEW TRUSTEES

Name	Residence	Occupation
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In witness whereof I the undersigned have hereunto subscribed my name and affixed my seal this day of, in the year of our Lord 18.

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AB

Chairman *[or President]* of the said meeting.

NEW TRUSTEES

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Signed, sealed, and delivered by the said A B, as Chairman [*or*  
President] of the said meeting, at and in the presence of the said  
meeting, on the day and year aforesaid, in the presence of

CD

ED