

## New Zealand.



### ANALYSIS.

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| <p>Title.<br/>New Zealand Wesleyan Model Deed.<br/>How Church properties hitherto settled.<br/>Formation of Wesleyan Methodist Church.<br/>Present constitution.<br/>Authority for new Model Deed.<br/>Recital of new Model Deed.<br/>Necessity of statutory power.</p> <p>1. Short Title.<br/>2. Interpretation.<br/>3. How present and future lands to be held.</p> | <p>4. Conveyances, &amp;c., executed by majority sufficient. Execution by attorney sufficient.<br/>5. Register of Trustees to be kept.<br/>6. Legal estate to pass to new Trustees without conveyance.<br/>7. Production of Register sufficient evidence.<br/>8. Printed minutes of Conferences evidence.<br/>9. Mortgages, &amp;c., heretofore made confirmed.<br/>10. How to cite Deed.<br/>Schedule.</p> |
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### 1887, No. 4.—*Private.*

Title.                    AN ACT to adapt and assimilate the Trusts of Wesleyan Methodist Church Properties to the present Constitution of such Church in New Zealand, and for other Collateral Purposes.

[9th December, 1887.]

New Zealand Wesleyan Model Deed.

How Church properties hitherto settled.

Formation of Wesleyan Methodist Church.

Present constitution.

WHEREAS in pursuance of "The Religious, Charitable, and Educational Trusts Act, 1856," a certain deed, bearing date the thirty-first day of October, one thousand eight hundred and fifty-six, was enrolled in the Supreme Court of New Zealand, at Auckland, as the Model Deed of the society denominated Wesleyan Methodists, which deed was also registered in the Register of Deeds Office, at Auckland, as No. 9252A: And whereas most of the lands of the said society have been conveyed or settled upon the trusts of the said deed as to those lands not under the operation of the Land Transfer Act by means of conveyances referring to the trusts in the said Model Deed, and as to other lands by means of separate declarations of trusts executed by the Trustees of such lands: And whereas such society, denominated Wesleyan Methodists (hereinafter called "the Wesleyan Methodist Church in New Zealand"), has always formed an integral part of the Australasian Wesleyan Methodist Church, as constituted from time to time by the English Wesleyan Methodist Conference: And whereas the said Australasian Wesleyan Methodist Church has now a separate and independent constitution, approved of and adopted by the said English Conference, and now consists of four annual conferences, called respectively the New South Wales and Queensland Conference, the Victoria and Tasmania Conference, the South Australian Conference, and the New Zealand Conference, all being governed by a General Conference assembling once in every three years, or at such other intervals more or less as it may deem expedient, each such annual

Conference having amongst other things the power of appointing its own ministers, a copy of which constitution, and also a copy of the Deed Poll of John Wesley, hereinafter referred to, are set forth in the Schedule to "The Wesleyan Methodist Model Deed of New Zealand, 1887," hereinafter particularly mentioned: And whereas by the authority of the General Conference, and with the sanction and approval of the said English Conference, a new Model Deed has been prepared and adopted by the New Zealand Conference, containing trusts and provisions adapted and assimilated to the present constitution of the Wesleyan Methodist Church in New Zealand to the 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 present trusts, and the said New Zealand Conference has been duly authorised by the said General Conference, with the approval of the English Conference, to obtain an Act of the Legislature of New Zealand for the purposes hereinafter set forth: And whereas such new Model Deed is dated the thirtieth day of September, one thousand eight hundred and eighty-seven, and is made, or expressed to be made between John Edson, chemist and druggist, and Thomas Buddle, solicitor, both of Auckland, in New Zealand, of the one part, and William Griffiths, John Hosking, Thomas Cooke, Richard Arthur, Joseph Liston Wilson, Frederick Lambert Prime, James Wiseman, James Buttle, and Thomas McMaster, therein described of the other part, and is registered in the Deeds Registry Office at Auckland as No. 105415, and deposited in the said office as No. 6322: 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 providing for the due succession of Trustees without conveyance or transfer, and for creating facilities of proof:

Authority for new Model Deed.

Recital of new Model Deed.

Necessity of statutory power.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, 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, 1887."

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.

"English Conference" means the yearly conference of the people called Methodists in England as explained in the said 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 Zealand of whatsoever tenure which now are or which shall at any time hereafter be held in trust for or on behalf of the Wesleyan Methodist Church in New Zealand (unless such lands and premises shall be given, settled, or otherwise vested upon trust for any special purpose defined in the instrument creating such trusts), together with all rights, easements, and appurtenances whatever relating thereto, and also includes chattels real.

“Authorised representative” of the Wesleyan Methodist Church in New Zealand means such person as may be for the time being appointed in that capacity by the New Zealand Conference, and “Acting Authorised representative” means such person as may be appointed to such office by the President for the time being of the New Zealand Wesleyan Methodist Conference.

The words “Legal proceedings” shall include all proceedings whatever, whether preliminary, initiatory, interlocutory, or final, in any Court of Justice or before any Registrar of Land.

“The New Zealand Conference” means the Annual Conference of the Australasian Wesleyan Methodist Church for the time being embracing within its jurisdiction the Colony of New Zealand, whether alone or combined with another colony, such Annual Conference being duly constituted by the General Conference.

How present and future lands to be held.

3. All lands held before the commencement of this Act upon the trusts of the said Model Deed so enrolled in the Supreme Court of New Zealand as aforesaid, or otherwise held on behalf of the said Wesleyan Methodist Church in New Zealand, and all Church lands which may at any time or times hereafter be acquired by gift, purchase, devise, bequest, or otherwise shall, after the coming into operation of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same, respectively be held upon the trusts and subject to the provisions of “The Wesleyan Methodist Model Deed of New Zealand, 1887,” aforesaid, and upon and subject to no other trusts or provisions whatever.

Conveyances, &c., executed by majority sufficient.

4. Where any sale, mortgage, exchange, or lease of any Church land held upon the trusts of “The Wesleyan Methodist Model Deed of New Zealand, 1887,” shall be made in pursuance of and in conformity to such trusts, the transfer, mortgage, exchange, or lease of such land, if under the operation of the Land Transfer Act, shall be as effectual if signed by a majority of the Trustees for the time being of such land named in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, exchange, or lease had been duly signed by all the Trustees or registered proprietors thereof; and in case such land shall not be under the operation of such Statute, the conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the Trustees for the time being thereof named in such Register of Trustees, 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: Provided always that such majority of Trustees 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, or lease by attorney duly appointed in that behalf.

Execution by attorney sufficient.

Register of Trustees to be kept.

5. The authorised representative for the time being of the Wesleyan Methodist Church in New Zealand shall keep, or cause to be kept, a Register of Trustees of the several lands for the time being held upon the trusts of “The Wesleyan Methodist Model Deed of

New Zealand, 1887;" and such register shall be called and inscribed as the Wesleyan Methodist Church Register of Trustees for New Zealand, and shall be in the form or to the effect contained in the Schedule hereto, and such authorised representative shall, with all reasonable despatch, enter or cause to be entered in such Register of Trustees the names and additions of the present Trustees of such lands, with all other particulars indicated by the said Schedule; and such authorised representative shall from time to time, upon the appointment of any new Trustee or Trustees under the provisions of such deed, insert or cause to be inserted in such Register of Trustees the name and addition 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 of the date of insertion of his or their name or names in such Register of Trustees, and such authorised representative 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.

6. On the insertion as aforesaid in the said Register of Trustees of the name or names of any new Trustee or Trustees of any such lands, not under the operation of the Land Transfer Act, held upon the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887," the estate in such 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 old continuing Trustee or Trustees (if any) for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts without any conveyance or assignment whatsoever, and on the insertion as aforesaid in the said Register of Trustees of the name or names of any new Trustee or Trustees of lands under the operation of the said Land Transfer Act held upon the trusts of the said deed, such new Trustee or Trustees, together with the old or continuing Trustees (if any), shall be deemed the proprietor or proprietors thereof within the meaning of the said Land Transfer Act as if the name or names of such new Trustee or Trustees appeared, or was or were entered as such proprietor or proprietors in the Register Book kept under the provisions of such Land Transfer Act, and as if a certificate of title had been duly issued to him or them, solely or jointly, as the case may be, with the old continuing proprietor or proprietors (if any) for all the estate and interest as the former proprietor or proprietors had therein, and subject to the same trusts without any transfer being made for the purpose, and as to lands under the operation of the Land Transfer Act the Trustees for the time being thereof, registered aforesaid in the said Register of Trustees, shall be deemed the proprietors thereof within the meaning of the same Act, as if the names of such Trustees appeared or were entered as such proprietors in such Register Book, and as if certificates of title had been duly issued to them, but subject to the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887," and to any then subsisting mortgage, lien, encumbrance, or lease.

7. A book, purporting to be the Register of Trustees, hereinbefore referred to, shall, on production thereof by the said authorised representative for the time being, or the acting authorised representative

Legal estate to pass  
to new Trustees  
without conveyance.

Production of  
Register sufficient  
evidence.

for the time being hereinafter mentioned, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings, and on all occasions whatsoever, as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties, but for and against third persons, purchasers, and all others whom it may concern as to who are or were the Trustees of such lands, and also of the vacancies which occurred in the Trusteeship and of the appointments of new Trustees to supply such vacancies, and of the date of the insertion of their names as aforesaid in such Register of Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section four hereof, and judicial notice shall be taken of such book, and of the signatures of the authorised representative and acting authorised representative therein, and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of such authorised representative or acting authorised representative for the time being as aforesaid shall be received and taken in all legal proceedings and in all dealings with Church lands before any District Land Registrar, 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 authorised representative or acting authorised representative to every such extract; and in case of the decease, illness, absence, or temporary incapacity of such authorised representative as aforesaid, some other person may, as hereinafter mentioned, be appointed to act in the place of such authorised representative, but not for a longer period than the next annual meeting of the New Zealand Wesleyan Methodist Conference, and such other person shall be designated the acting authorised representative of the said Church, and such acting authorised representative, during the time for which he shall be so appointed, shall have, perform, and execute all the powers, authorities, and duties of such authorised representative, and shall, underneath his signature in the columns of the said Register of Trustees, insert the word "acting," and shall, underneath his signature to any extract to be made by him from such Register of Trustees, insert the words "acting authorised representative" of the said Church, and the *New Zealand Government Gazette*, containing a notification by the President for the time being of the said conference of the appointment of such authorised representative, or of such acting authorised representative as aforesaid, shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively.

Printed minutes of  
Conferences evi-  
dence.

8. A printed copy, purporting to be a printed copy of the printed 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 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 Confer-

ence, or Annual Conference respectively, without the aid of any further proof whatsoever, and a printed copy, purporting to be a printed copy of "The Wesleyan Methodist Model Deed of New Zealand, 1887," and of the Schedule thereto attached, shall also 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.

9. All mortgages, conveyances, and other dispositions which have heretofore been made or intended so to be by any Trustees, and all appointments of Trustees purporting to have been made in pursuance of the said Model Deed of the thirty-first day of October, one thousand eight hundred and fifty-six, and of the provisions of "The Religious, Charitable, and Educational Trusts Act, 1856," are hereby confirmed and shall be deemed to have been legally and effectually executed and made.

Mortgages, &c., heretofore made confirmed.

10. It shall be sufficient to cite "The Wesleyan Methodist Model Deed of New Zealand, 1887," by that title.

How to cite Deed.

THE SCHEDULE ABOVE REFERRED TO.

Schedule.

THE WESLEYAN METHODIST CHURCH REGISTER OF TRUSTEES FOR NEW ZEALAND.

Folio 1. [*words of description, such as "St. John's Church, Ponsonby Road, Auckland."*] comprised in conveyance registered in the Deeds Registration Office at \_\_\_\_\_, under number \_\_\_\_\_. If under the Land Transfer Act comprised in Certificate of Title entered in Register Book, vol. \_\_\_\_\_, folio \_\_\_\_\_.

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 authorised Representative.	How vacancy occurred in Trust, such as death or the like.	Signature of authorised Representative.
A. B.	Queen Street, Auckland, merchant.				Deceased.	
C. D.	Similar.				Incapacitated.	
E. F.	"				Refusal to act.	
G. H.	"				Resignation.	
I. J.	"				Withdrawal from Church.	
K. L.	"				Non-adherent.	
M. N.	"				Distance.	
O. P.	"	Dec. 30, 1889	Jan. 1, 1890			

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