

New Zealand.



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1896, No. 1.—*Private.*

AN ACT to vest in the Wesleyan Methodist Church in New Zealand the Lands in New Zealand belonging to or held in Trust for the United Methodist Free Churches and the Bible Christian Church, or any of them, and to amend "The Wesleyan Methodist Church Property Trust Act, 1887," and "The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892," and for other Collateral Purposes. [9th September, 1896.]

WHEREAS an agreement having been made between the following denominations in New Zealand, to wit, the Wesleyan Methodist Church in New Zealand, the United Methodist Free Churches in New Zealand, and the Bible Christian Church in New Zealand, to unite as one Church as and from the second Monday in April, one thousand eight hundred and ninety-six, a plan of union having been formally agreed upon by representatives from each of the governing bodies of the said denominations, and which plan of union is fully set forth in the printed minutes of the New Zealand Conference held at Auckland in the month of March, one thousand eight hundred and ninety-six: And whereas it is necessary to obtain statutory power for the purpose of vesting in the Wesleyan Methodist Church in New Zealand the lands belonging to or held in trust for the said denominations, namely, the United Methodist Free Churches and the Bible Christian Church, or any of them, and it is desirable also to provide for the vesting of the property of any other

Title.

Preamble.

Church which may hereafter unite with the said Wesleyan Methodist Church in New Zealand: And whereas it is also necessary to amend "The Wesleyan Methodist Church Property Trust Act, 1887," and "The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892":

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

Short Title.

1. The Short Title of this Act is "The Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act, 1896."

Interpretation.

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

"The principal Act" means and includes "The Wesleyan Methodist Church Property Trust Act, 1887":

"The amending Act" means and includes "The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892":

"The Model Deed" means and includes "The Wesleyan Methodist Model Deed of New Zealand, 1887," referred to in the principal Act.

How lands to vest.

3. All lands and property in New Zealand which on the thirteenth day of April, one thousand eight hundred and ninety-six, belonged to or were held in trust for or on behalf of any of the denominations, namely, the United Methodist Free Churches, or the Bible Christian Church, or any of them, shall, as from the said date (but subject and without prejudice to any mortgage, charge, encumbrance, lien, lease, agreement, or other transactions affecting the same respectively), be and be deemed to have been and shall be held upon the trusts and subject to the provisions of the Model Deed, and any alterations and modifications thereof duly authorised, and upon and subject to no other trusts or provisions whatever, and such lands shall be included in the expression "Church lands" wherever used in the principal Act, the amending Act, or this Act.

Confirmation of appointments, &c.

4. All appointments, resolutions, and orders made by the Annual Conference of the year one thousand eight hundred and ninety-six of the New Zealand Wesleyan Methodist Church, in reference to the lands mentioned in the last-preceding section, and the churches, parsonages, and other buildings thereon respectively, shall be and the same are hereby validated.

Repeal of section 3 of amending Act, and enactments in lieu thereof.

5. Section three of the amending Act is hereby repealed, and in lieu thereof it is enacted as follows:—

Notwithstanding anything herein, or in the principal Act, or in the Model Deed or Deed Poll referred to therein contained, the New Zealand Conference may from time to time,—

To appoint ministers, &c.

(1.) Appoint any minister being a member of the Conference, or any preacher on trial, to the same chapel or chapels or premises year by year successively for five years, or for such greater number of years as may from time to time be authorised by the General Conference referred to in the principal Act or other Conference for the time being

exercising supreme jurisdiction in the Colony of New Zealand: Provided that any such yearly appointment for more than three successive years shall be made only in accordance with such conditions as such General Conference or other Conference shall have already fixed or may hereafter determine:

(2.) Make any other alteration in or modification of the said Model Deed, or of any Schedule thereto: Provided the same shall not revoke, alter, or change any of the doctrines of the Wesleyan Methodist Church:

To alter Model Deed.

(3.) Make, alter, or repeal such rules and regulations for the appointment of its ministers and the election of its officers as to it may seem fit:

To alter rules.

(4.) Provided that this section shall not take effect until approved of by a resolution of the General Conference of the Australasian Wesleyan Methodist Church, and that a certificate to the effect that such approval has been given, purporting to be signed by the President of such Conference for the time being, and published in the *Gazette*, shall be conclusive evidence thereof and of such approval having been given.

Section 5 inoperative till approved by resolution of General Conference.

6. Section eight of the amending Act is hereby repealed, and in lieu thereof it is enacted as follows:—

Repeal of section 8 of amending Act, and enactment in lieu thereof.

All Church lands, whether under the provisions of the Land Transfer Act or not, shall vest in the Trustees thereof for the time being, according to the Register of Trustees referred to in the principal Act, upon and subject to the trusts of the Model Deed, without any conveyance, transfer, or assignment whatsoever; and on the insertion 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 Land Transfer Act, such new Trustee or Trustees, together with the continuing Trustee or 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 Land Transfer Act shall be entitled to be registered at the District Land Registry Office as the proprietor or proprietors thereof within the meaning of the Land Transfer 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 "Trustees under the provisions of 'The Wesleyan Methodist Model Deed of New Zealand of 1887,'" but subject to any then-subsisting mortgage, encumbrance, lien, or lease.

All Church lands to vest in Trustees.

7. If and whensoever any other denomination, Church, or Churches, by a resolution of at least two-thirds of the members entitled to be present at any supreme Conference, assembly, or other meeting of a like nature in New Zealand of any such denomination, Church, or Churches respectively, shall hereafter unite with the said Wesleyan Methodist Church in New Zealand, then upon the fact of such union, together with the date from which it shall have been agreed that the same shall take effect, being evidenced by a declara-

Provisions as to other Churches uniting.

tion in writing, setting forth such resolution and the voting thereon, and the number of members entitled to be present, under the hands of the President or Chairman and Secretary of such respective Conference, assembly, or meeting, as the case may be, of the uniting denomination, Church, or Churches, filed in the office of the Registrar at Wellington of the Supreme Court of New Zealand, then the provisions of sections three and six hereof shall, *mutatis mutandis*, take effect with regard to the property in New Zealand belonging to or held in trust for or on behalf of such first-mentioned denomination, Church, or Churches, with the substitution of such last-mentioned date for the date mentioned in the said section three; and a certificate by such Registrar of the filing of such declaration shall be sufficient proof of such union having taken effect for all purposes whatsoever.

Provision in case of union of Churches in Australasia.

8. Upon union becoming general between all the Methodist Churches in Australasia, and being effected, and a declaration to that effect made in manner provided by "The Statutory Declarations Act, 1835," by the President for the time being of the General Conference of the Australasian Wesleyan Methodist Church being filed in the said office of the Registrar at Wellington of the Supreme Court of New Zealand, then the Methodist Churches in New Zealand shall, as and from the date agreed on by such uniting Churches, and stated in such statutory declaration, be known as "The Methodist Church of Australasia in New Zealand."

Certificate of Registrar to be evidence.

9. A certificate by the Registrar or Deputy Registrar of the Supreme Court of New Zealand at Wellington aforesaid, and notified in the *Gazette*, to the effect that the declarations referred to in the last two preceding sections, or either of them, have or has been filed as therein respectively provided, the date of such filing, and the contents of such declarations, shall be conclusive evidence thereof, and of the fact of such union as aforesaid having been effected, and the date from which the same is to take effect.

Judicial notice to be taken of signature of President, &c.

10. Judicial notice shall be taken of the signatures of the President of the General Conference of the Australasian Wesleyan Methodist Churches, and of the President, Chairman, and Secretary of the respective annual Conferences, assemblies, or meetings referred to in section seven of this Act.

Amendment of section 6 of amending Act.

11. Section six of the amending Act is hereby amended by the substitution of the word "conclusive" for the words "*prima facie*," where the said words "*prima facie*" occur in the said section.

Special provision as to certain land at Mount Eden, Auckland.

12. And whereas the land described in the Schedule hereto is held upon trusts as yet undeclared by deed, and it is contended by certain persons that such land is not held in trust for the denomination known as the United Methodist Free Churches:

Now, it is declared that nothing herein contained shall be deemed to declare that the land mentioned in the Schedule hereto is, at the time of the passing of this Act, held upon trust for the denomination known as the United Methodist Free Churches, or to bring such land within the operation of section three of this Act, unless a Court of competent jurisdiction shall declare that such property is or has

been held in trust for or on behalf of the said denomination known as the United Methodist Free Churches.

13. In any action or proceeding to be taken under the provisions of this Act for the purpose of ascertaining the trusts upon which any lands hereinbefore mentioned are or may be held, or whether any lands whatever are or shall be held upon trust for or on behalf of any denomination, Church, or Churches within the meaning of this Act, the President for the time being of the New Zealand Conference of the Australasian Wesleyan Methodist Church shall be nominal plaintiff or defendant as the case may be.

President of
Conference plaintiff
or defendant, as the
case may be.

SCHEDULE.

Schedule.

ALL that piece of land, being Lot 8 of subdivision of part of Allotment 5, Section 10, Suburbs of Auckland, being the whole of the land comprised in certificate of title, Vol. xxxvii., folio 293, of the Register-book deposited in the Land Transfer Office.

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