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VICTORIAE REGINÆ.
A.D. 1887.

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Private Act.

An Act to adapt and assimilate the existing Trusts of Wesleyan Methodist Church Properties to the present Constitution of such Church in South Australia, and for other collateral purposes.

[Assented to, November 30th, 1887.]

WHEREAS by an Indenture of Release, bearing date the fifth day of June, one thousand eight hundred and forty-eight, made or expressed to be made between James Hurtle Fisher therein described, of the first part, Daniel James Draper therein described, of the second part, and William Longbottom, Archibald MacDougall, Robert Smith Breeze, William Wincey, Samuel East, William Collins, John Colton, Henry Goss, Edwin Bennett Edgecombe, Thomas James Mitchell, William Johns, William Hutchins, and Thomas Dungey, all therein described, of the third part, registered in the General Registry Office for the Province of South Australia, No. 126, book 12, and enrolled in the said General Registry Office, No. 19, book 4, the hereditaments and premises therein comprised were thereby conveyed upon trust to permit and suffer such person and persons only to preach and expound God's Holy Word and to perform the usual acts of religious worship therein as should be from time to time approved and for that purpose duly appointed by the English Conference of the Wesleyan Methodists, and upon the other trusts set out in the said Indenture: And whereas the said Indenture of Release, which is hereinafter referred to as “The Model Deed of 1848,” was intended for and has since been adopted as the Model Deed of the Wesleyan Methodist Church Lands in the said province, and most of the Church Lands in the said province have been settled upon the trusts thereof, as to those not under the operation

How church proper-
ties hitherto settled.
The South Australian Wesleyan Methodists Act.—1887.

The Wesleyan Methodist Church, how formed.

New constitution.

Resolution of General Conference for model deed.

Preparation of model deed by General Conference.

Adaptation of same by South Australia Conference to circumstances of province.

tion of “The Real Property Act, 1886,” by means of Conveyances referring to such trusts, and as to those under the operation of such Act by means of Memoranda of Transfer to the trustees thereof and the execution by them of Declarations of Trust referring to such trusts: And whereas the society in the said province, denominated Wesleyan Methodists, has always formed an integral portion of the Australasian Wesleyan Methodist Church as constituted from time to time by the English Conference: And whereas such Australasian Wesleyan Methodist Church has now a separate and independent constitution conferred, approved of, and delegated by the English Conference, the laws, powers, and regulations of which constitution are set forth in the schedule to “The Wesleyan Methodist Model Deed of South Australia, 1887,” hereinafter referred to, and such Australasian Wesleyan Methodist Church has constituted four Annual Conferences each of which has, amongst other things, the power of appointing its own Ministers, and which are respectively called “The New South Wales and Queensland Conference,” “The Victoria and Tasmania Conference,” “The South Australia Conference,” and “The New Zealand Conference,” and are comprised in and governed by a General Conference assembling once in every three years, or at such other intervals, more or less, as it may deem expedient: And whereas the General Conference, in November, one thousand eight hundred and eighty-four, resolved, amongst other things, that it is desirable that the properties connected with the several annual conferences should as far as practicable be held upon the same trusts, and that for this purpose a model deed should be prepared which should be made applicable to the circumstances of each colony; and the several annual conferences were authorised and empowered to procure Acts of the Legislature of the several colonies within their jurisdiction for the settlement of church properties therein on the trusts of such model deed, and such resolution was afterwards sanctioned and approved by the English Conference: And whereas, in pursuance of such resolution, a form of model deed was prepared under the authority of the General Conference and approved of by the English Conference: And whereas the South Australia Conference has caused to be prepared a model deed in such form, but altered so as to make the same applicable to the circumstances of the said province, and containing trusts and provisions adapted and assimilated to the present constitution of the Wesleyan Methodist Church in the said province, which said model deed bears date the ninth day of September, in the year of our Lord one thousand eight hundred and eighty-seven, and is made or expressed to be made between Samuel Philpot, Henry Goss, Henry Broad, Edmund Gilding, Edward Jury, Charles Pitt, and Henry Hersey, of the first part, and the Reverend James Young Simpson of the second part, and the said Samuel Philpot, Henry Goss, Henry Broad, Edmund Gilding, Edward Jury, Charles Pitt, and Henry Hersey of the third part, and which model deed has been duly executed and attested, and is registered in the said General Registry Office, No. 43, book 387, and enrolled in the said General Registry Office, No. 16, book 54, and is herein referred to as “The Wesleyan Methodist Model Deed of South
The South Australian Wesleyan Methodists Act.—1887.

South Australia, 1887: And whereas it is desirable to obtain legislative authority to provide that all the Wesleyan Methodist Church Lands held at the commencement of this Act upon the trusts of “The Model Deed of 1848,” or upon trust for any Wesleyan Methodist Church, or upon trust for the church of the people called Methodists in the connexion established by the late Reverend John Wesley, A.M., shall be held upon the trusts, and with the powers, authorities, and discretions, and subject to the provisions of “The Wesleyan Methodist Model Deed of South Australia, 1887,” but subject and without prejudice to any reservation, mortgage, charge, encumbrance, lien, or lease, affecting the same respectively, and subject and without prejudice to any resulting trust, or any trust in favor of the donor, or any person or corporation, other than the Wesleyan Methodist Church, and also to validate the Memorandum of Lease mentioned in the Schedule hereto, and to create facilities for proof of certain matters, documents and things, and to provide for other collateral matters—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled:

1. This Act may for all purposes be cited as “The South Australian Wesleyan Methodists Act, 1887.”

2. In the interpretation of this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively:

“Wesleyan Methodists”—The people called Methodists in the connexion established by the late Reverend John Wesley, A.M., who are sometimes called Wesleyans and sometimes called Wesleyan Methodists:

“Wesleyan Methodist Church”—The Church or community for the time being of the Wesleyan Methodists in the said province:

“English Conference”—The Yearly Conference of the Wesleyan Methodists in England as explained and defined in the Deed Poll of the twenty-eighth day of February, One Thousand Seven Hundred and Eighty-Four, executed by the said John Wesley and enrolled in the High Court of Chancery in England, a copy of which is set forth in the Schedule to “The Wesleyan Methodist Model Deed of South Australia, 1887”:

“South Australia Conference”—The Annual Conference of the Australasian Wesleyan Methodist Church for the time being embracing within its jurisdiction the Province of South Australia, whether alone or combined as at present with another colony, such Annual Conference being duly constituted by the General Conference of the said Australasian Wesleyan Methodist Church, and forming an integral part thereof:

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"Church Lands"—All lands, hereditaments, and premises of whatever tenure, including chattels real, situate in the said province, with all rights, easements, and appurtenances whatever relating thereto, which now are held in trust for or on behalf of the Wesleyan Methodist Church in South Australia:

"Legal proceedings"—All proceedings whatever, whether preliminary, initiative, interlocutory, or final, in any court of justice:

3. All Church Lands which, at the time of the coming into operation of this Act, are held or vested in trustees upon the trusts of "The Model Deed of 1848," or upon any other trusts, for the Wesleyan Methodist Church; shall, from and after the coming into operation of this Act, be held by the trustees thereof, upon the trusts and with the powers, authorities, and discretions, and subject to the terms, provisions, and conditions of "The Wesleyan Methodist Model Deed of South Australia, 1887," but subject, and without prejudice, to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively, and subject, and without prejudice, to any resulting trust or any trust of any such Church Lands in favor of the donor or any person or corporation other than the Wesleyan Methodist Church.

4. Notwithstanding anything contained in "The Wesleyan Methodist Model Deed of South Australia, 1887," no legal estate in any Church lands shall vest in any trustee until the same is conveyed, assigned, or otherwise assured to such trustee in due form of law.

5. Nothing in this Act shall be deemed to affect the provisions of an Ordinance of the said province, intituled "An Ordinance to promote the Building of Churches and Chapels for Christian Worship, and to provide for the Maintenance of Ministers of the Christian Religion," being No. 10 of 1847, save and except that the reference in section XV. of such Ordinance to any deed of conveyance or deed of trust to trustees for the purpose of that Ordinance, or to any Model Deed thereunder, and to the enrolment thereof under the said section, shall be deemed and taken to refer, for the purposes of such section, to "The Wesleyan Methodist Model Deed of South Australia, 1887," in the same manner as if such Model Deed of 1887 had been the deed enrolled under the provisions of the said section.

6. Nothing in this Act contained, except section 7, shall be deemed to affect any provision of "The Real Property Act, 1886."

7. The Memorandum of Lease mentioned in the Schedule hereto is hereby confirmed and declared to be valid for all purposes, and notwithstanding the provisions of "The Real Property Act, 1886," if the lessee or any person interested in the said Memorandum of Lease.
Lease shall desire a confirmation thereof, or a new Memorandum of Lease of the lands thereby leased to take effect in lieu thereof, it shall be lawful for any eight or more of the persons registered under the provisions of that Act as the proprietors of the said lands on behalf of all such persons to execute a confirmation of the said Memorandum of Lease, or an acceptance of a surrender thereof, and a new Memorandum of Lease of the said lands to the person legally entitled thereto, such new Memorandum of Lease to be for the residue at the date thereof unexpired of the term of the said Memorandum of Lease, at the like rent, and subject to the like covenants, conditions, and restrictions, as are reserved and contained in such Memorandum of Lease: And any such confirmation or acceptance of surrender and new Memorandum of Lease, when so executed, shall be valid for all purposes.

8. A written or printed copy purporting to be a copy of the minutes of the English Conference or of the General Conference, or of any Annual Conference of the Australasian Wesleyan Methodist Church purporting on the face of it to be signed by the President for the time being of such Conference, shall be taken and received in all legal and other proceedings before any court of justice, or before any person having by law or consent of parties authority to hear, receive, or examine evidence, 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 Conference, or Annual Conference respectively entered in such minutes without any further proof, and a printed copy purporting to be a printed copy of "The Wesleyan Methodist Model Deed of South Australia, 1887," and of the Schedules thereto attached, purporting on the face of it to be signed by the President for the time being of the South Australia Conference, shall also in like manner and on like occasions be received and taken 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 said Deed Poll executed by the said John Wesley, without the production of the originals thereof respectively.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. C. F. ROBINSON, Governor.
Memorandum of Lease registered in the Lands Titles Registration Office, No. 191163, granted by Thomas James Mitchell, John Bennett, Theodore Hack, Nicholas Treleaven, James Rofe, John Colton, Elijah Henry Butler, Charles John Butler, William Crooks, James Thomas Mitchell, Joseph James Earle, William Hall, and Samuel Blackney, to James Murray and John Townsend, of Port Adelaide, drapers, of All that piece of land situated in the hundred of Port Adelaide, county of Adelaide, being the allotments 3, containing twenty-five perches or thereabouts, and 22, containing eighteen perches or thereabouts, of the section 2112, and bounded as appears in the plan enrolled in the General Registry Office Book 9, page 12, and in the margin of Certificate of Title Register Book, volume cccclxxvi, folio 180.