

WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

X.



No. 29 of 1912.

AN ACT to adapt and assimilate the Trusts of Methodist Church Properties in Western Australia to the present Constitution of such Church in the said State; to confirm the Union in Western Australia of the Wesleyan Methodist Church in Western Australia, the Primitive Methodist Church in Western Australia, and the Bible Christian Church in Western Australia under the name of "The Methodist Church of Australasia"; to deal with the Real and Personal Property in Western Australia of the said uniting Churches; to give certain powers to the Western Australia Conference of the Methodist Church of Australasia; to sanction the Constitution of the New Zealand Annual Conference of the Methodist Church of Aus-

tralasia as an Independent Conference, and for other purposes connected with or incidental to the above objects.

[Assented to 27th September, 1912.]

Preamble.

WHEREAS a Private Act was passed by the Legislature of the State of Western Australia (59 Victoria) to adapt and assimilate the then existing trusts of the Wesleyan Methodist Church properties to the then present Constitution of such Church in the State of Western Australia and for other collateral purposes, and by such Act the Trustees of any land or hereditaments held by or for any estate or interest upon trust for or for the use of the Wesleyan Methodist Church were authorised to hold and convey such trust land and hereditaments upon the trusts declared in a certain Indenture or Model Deed bearing date the ninth day of September, One thousand eight hundred and eighty-seven, and made between Samuel Philpot, Henry Goss, Henry Broad, Edmund Gilding, Edward Jury, Charles Pitt, and Henry Hersey, therein described, of the first part, the Reverend James Young Simpson, also therein described, 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, hereinafter referred to as the "Wesleyan Methodist Model Deed of South Australia, 1887," and a copy of which Model Deed was duly enrolled in the office of the Registrar of Deeds for the State of Western Australia and a copy also lodged with the Registrar of Titles in his office: And whereas most of the Church lands in Western Australia have been conveyed or settled on such Model Deed: And whereas the Society in the State of Western Australia denominated Methodists (formerly and sometimes denominated "Wesleyan Methodists") has heretofore formed an integral part of the Methodist Church of Australasia (formerly and sometimes denominated "The Australasian Wesleyan Methodist Church") as constituted from time to time by the English Conference: And whereas such Methodist Church of Australasia has now a separate and independent constitution approved of by the said English Conference, and is now divided into six annual conferences respectively called "The New South Wales Conference," "The Victoria and Tasmania Conference," "The South Australia Conference," "The New Zealand Conference," "The Queensland Conference," and "The Western Australia Conference," such annual conferences being comprised in and governed by a general Conference assembling once every three years, or at such greater or less intervals as may be expedient, each annual Conference having among other things the power to appoint its own Ministers, a copy of which Constitution and also a copy of a certain Deed Poll of John Wesley, hereinafter referred to, as set forth in the schedule to "The Methodist Church Model Deed of Western Australia,

1912," also hereinafter particularly mentioned: And whereas prior to the year One thousand nine hundred the said South Australia Conference and the said Western Australia Conference formed one annual conference having jurisdiction over the affairs of the said Church in the then Colonies of South Australia and Western Australia, and called the South Australia Conference: And whereas by authority of the Eighth General Conference of the Methodist Church of Australasia held in Auckland, in the Dominion of New Zealand, in November, One thousand eight hundred and ninety-seven, a new Model Deed was prepared and adopted by the said Western Australia Conference, containing trusts and provisions adapted and assimilated to the present Constitution of the Methodist Church in Western Australia, to the end and intent that all Church lands might hereafter be held upon such trusts and provisions and discharged from all previous trusts, and the said Western Australia Conference was also duly invested by the said General Conference with full authority to obtain an Act of the Legislature of Western Australia to attain that object: And whereas the said new Model Deed is dated the fourteenth day of July, in the year of our Lord One thousand nine hundred and twelve, and is made or expressed to be made between Edward Pope, James Stokes, Henry Carson, John Cantelo, Alfred Thomas Davies, Thomas George Griffiths, Albert Edwin Blencowe, Charles Edward Blencowe, John Stokes, and Joseph Johnston, therein respectively described, of the one part, and the Reverend Arthur Johnston Barclay, the Reverend Samuel Benjamin Fellows, the Reverend Thomas Allan, the Reverend Frederick Stephen Finch, the Reverend Arthur Stephen Joyce Fry, the Reverend Brian Wibberley, the Reverend William Corly Butler, the Reverend Charles Alfred Jenkins, the Reverend Robert Robinson Fleming, James Pollitt Walton, Alexander Gorrie, Horace Elgar Mofflin, James Hawkins, Alexander Crawford, John Henry Prowse, Joseph Wood Langsford, Arthur Talbot Wreford, and David Weatherall, therein respectively described, of the other part: And whereas such Model Deed has been duly attested and executed, and will be duly registered in the office of the Registrar for Deeds of the State of Western Australia, and also lodged with the Registrar of Titles in his office, and such deed is herein referred to as "The Methodist Church Model Deed of Western Australia, 1912": And whereas the General Conference of the Australasian Methodist Church, held at Adelaide in the year One thousand eight hundred and ninety-four, empowered and authorised each annual conference of the said the Australasian Wesleyan Methodist Church to carry into effect within its bounds union with any or all of the other Methodist Churches on the Constitutional Basis defined by the said General Conference and set forth in the minutes of such General Conference of One thousand eight hundred and ninety-

four, but subject to the provision that, until Methodist Union had become general throughout Australasia, the name of such uniting Churches should when united be "The Australasian Wesleyan Methodist Church," and that thereafter the united Church should be denominated "The Methodist Church of Australasia": And whereas the Church named in the said Constitutional Basis as printed in the said minutes is throughout such basis called "The Australasian Methodist Church," and the Missionary Society named therein is called "The Australasian Methodist Missionary Society": And whereas there was established in the State of Western Australia a religious denomination, community, or church known as "The Primitive Methodist Connexion," forming part of the Connexion established in the United Kingdom of Great Britain and Ireland and known as "The Primitive Methodist Connexion," such Connexion in Western Australia being part of and controlled by the Connexion established in South Australia: And whereas there was also established in Western Australia a church connexion, society, or community known as "The Bible Christian Church," forming part of a connexion established in the United Kingdom of Great Britain and Ireland, and known as "The Bible Christian Church," such Church in Western Australia being part of and controlled by the Bible Christian Church in South Australia: And whereas on the first day of January, One thousand nine hundred, the said the Australasian Wesleyan Methodist Church, sometimes called and known as "The Wesleyan Methodist Church," and the Primitive Methodist Church and the Bible Christian Church, entered into an organic union as one Church on the said Constitutional Basis and in terms of a plan of union (which said plan of union is fully set forth in the printed minutes of the first Western Australia Conference) agreed to by the South Australian Conference (within the jurisdiction of which Western Australia was then included) of the said Australasian Wesleyan Methodist Church and by the respective conferences of the Primitive Methodist Church and Bible Christian Church, under the name of "The Australasian Wesleyan Methodist Church," it being agreed that, when such Methodist Union became general throughout Australasia, the united Church should be denominated "The Methodist Church of Australasia": And whereas Methodist Union became general throughout Australasia on the first day of January, One thousand nine hundred and two: And whereas the General Conference of the Methodist Church of Australasia held at Adelaide in May, One thousand nine hundred and ten, unanimously consented to the Constitution of the said Annual Conference of the Methodist Church of Australasia in New Zealand as an Independent Conference, with the powers mentioned in and in accordance with and upon and subject to the plan of independence which is fully set forth in the printed minutes of the said Conference, and subject to the consent of each Annual

Conference of the Methodist Church of Australasia, namely, the New South Wales Conference, the Victoria and Tasmania Conference, the South Australia Conference, the New Zealand Conference, the Queensland Conference, and the Western Australia Conference, and also to the sanction of the Parliament of each of the Australian States and New Zealand: And whereas each of the said Annual Conferences has agreed to the Constitution of the said New Zealand Annual Conference as an Independent Conference, in accordance with and upon and subject to the plan aforesaid: And whereas successive Western Australia Annual Conferences of the Australasian Wesleyan Methodist Church held in the years One thousand nine hundred, and One thousand nine hundred and one, and of the Methodist Church of Australasia held in the years One thousand nine hundred and two, One thousand nine hundred and three, One thousand nine hundred and four, One thousand nine hundred and five, One thousand nine hundred and six, One thousand nine hundred and seven, One thousand nine hundred and eight, One thousand nine hundred and nine, One thousand nine hundred and ten, One thousand nine hundred and eleven, and One thousand nine hundred and twelve, have included ministerial and lay representatives of both uniting Churches, and have held, made, and passed certain elections, appointments, resolutions, and orders on the said Constitutional Basis and in pursuance of the said plan of union: And whereas the General Conference of the said the Australasian Wesleyan Methodist Church authorised each Annual Conference to frame for itself regulations dealing with the term during which a Minister may be appointed to the same circuit church or chapel, subject to certain conditions fixed by such General Conference, and with other matters: And whereas it is necessary to obtain power for carrying some of the trusts and provisions contained in the said the Methodist Church Model Deed of Western Australia, 1912, into effect and for making such alterations therein and modifications thereof as may from time to time be deemed expedient or desirable, and for establishing a trustee register whereby the due succession of trustees for Church lands may be maintained without conveyance or transfer, and for creating facilities for proof and to obtain legislative authority to confirm the union within Western Australia of the said uniting Churches, and to declare the trusts upon which all real and personal property in Western Australia now or hereafter held in trust for or in anywise belonging to the said uniting Churches, namely, the Wesleyan Methodist Church in Western Australia, the Primitive Methodist Church in Western Australia, and the Bible Christian Church in Western Australia, or any of them, shall henceforth be held, and also to give to the Western Australia Conference of the Methodist Church of Australasia power to make appointments of Ministers or Preachers on trial to the same

circuit church or churches, chapel or chapels, or premises, year by year successively for five years or for such greater or less number of years as may from time to time be authorised by the General Conference of the Methodist Church of Australasia, and other powers, and to sanction the Constitution of the New Zealand Annual Conference of the Methodist Church of Australasia as an Independent Conference, and to provide for other matters appertaining to the said uniting Churches or one or more of them: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Methodist Church Property Trust Act, 1912.*

Interpretation

2. In this Act, unless the context or subject matter otherwise indicates or requires,—

“Acting Custodian of Deeds” means such person as in the event of the death, absence, or incapacity of the Custodian of Deeds may be appointed to such office by the President for the time being of such Conference.

“Bible Christians” means members of the religious community commonly known by that name and includes people in Western Australia connected in religious fellowship and church government and called by that name and forming part of the connexion established in Great Britain in the year One thousand eight hundred and fifteen by the late William O'Bryan.

“Bible Christian Church” means the church connexion, society, or community of the Bible Christians in Western Australia.

“Church lands” includes all lands, hereditaments, premises, claims, areas, leaseholds, tenements, holdings, and interests in Western Australia now or at any time hereafter held, possessed or enjoyed under any grant, title, right, lease, license, authority, or tenure whatever, upon any of the trusts stated in the said Wesleyan Methodist Model Deed of South Australia, 1887, or the said “Methodist Church Model Deed of Western Australia, 1912,” or for the use of the people called Methodists in the Connexion established by the said John Wesley, and all lands, hereditaments, premises, claims, areas, leaseholds, tenements, holdings, and interests in Western Australia which are now held, possessed, or enjoyed, or which may at any time hereafter be acquired, held, possessed, or enjoyed under any grant, title, right, lease, license, authority, or tenure whatever, in trust for or on behalf of the Wesleyan

Methodist Church in Western Australia or the Methodist Church in Western Australia, or the Western Australia Conference of the Australasian Wesleyan Methodist Church, or of the Methodist Church of Australasia, together with all churches or chapels, dwelling houses, schools, and all other buildings thereon, and also all fittings, fixtures, rights, easements, and appurtenances whatsoever relating thereto respectively or therewith usually held or enjoyed, and shall include all lands, estates, and interests under the Transfer of Land Act, 1893, and the Land Act, 1898, and the amendments of the said Acts for the time being in force in Western Australia or any other Acts repealing such Acts which are or shall at any time hereafter be held or granted upon any such trusts or for any such purposes as aforesaid.

“Constitutional Basis” means the Constitutional Basis defined by the General Conference of the Australasian Wesleyan Methodist Church held at Adelaide in the then Province of South Australia in the year One thousand eight hundred and ninety-four, as set forth in the printed minutes of such Conference.

“Custodian of Deeds” means such person of the Methodist Church in Western Australia as may from time to time be appointed in that capacity by the Western Australian Conference or the Conference having jurisdiction in the State of Western Australia for the time being.

“English Conference” means 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 Methodist Church Model Deed of Western Australia, 1912.

“General Conference” means the General Conference of the Methodist Church of Australasia.

“Legal Proceedings” shall include all proceedings whatever, whether preliminary, initiatory, interlocutory, or final, in any court of justice or before the Registrar of Deeds, Registrar of Titles, or Commissioner or Examiner of Titles.

“Methodist Church” and “Methodist Church of Australasia” respectively mean the Methodist Church of Australasia, the Church formed by the union of the Wesleyan Methodist Church and the Bible Christian Church and the Primitive Methodist Church on the Constitutional Basis and plan of union referred to in this Act.

- “Model Deed” means the Methodist Church Model Deed of Western Australia, 1912, referred to in this Act, and any duly authorised alteration or modification thereof.
- “New Zealand Church” means the Methodist Church of Australasia in New Zealand.
- “Plan of Union” means the Plan of Union agreed to by the respective Annual Conferences or Assemblies constituting the governing bodies of the uniting Churches as set forth in the printed minutes of the Western Australia Conference of the Australasian Wesleyan Methodist Church held at Perth, in the State of Western Australia, in the year One thousand nine hundred.
- “Primitive Methodists” means the members of a religious community commonly known by that name, and includes the people in Western Australia connected in religious fellowship and Church government and called by that name and forming part of the connexion established in Great Britain in the year One thousand eight hundred and eight by the late Hugh Bourne and James Bourne, and known as the Primitive Methodist Connexion.
- “Primitive Methodist Church” means the Church connexion, society, religious denomination or community of the Primitive Methodists in Western Australia.
- “Register of Trustees” means the Methodist Church Register of Trustees for Western Australia.
- “Uniting Churches” means the Wesleyan Methodist Church, the Primitive Methodist Church, and the Bible Christian Church.
- “Wesleyan Methodist Church” means the Australasian Wesleyan Methodist Church in Western Australia.
- “Western Australia Conference” means the Conference of the Methodist Church of Australasia for the time being embracing within its jurisdiction the State of Western Australia, such Annual Conference being duly constituted by the said General Conference.

Confirmation of
Union of Methodist
Churches.

3. The union of the Wesleyan Methodist Church and the Bible Christian Church and the Primitive Methodist Church effected as aforesaid on the first day of January, One thousand nine hundred, on the said Constitutional Basis and Plan of Union is hereby confirmed.

Name of United
Church.

4. (1.) The Church formed by such union shall be denominated “The Methodist Church of Australasia.”

Modification of
model deed.

(2.) The constitutional basis shall be read and construed as if the words “The Methodist Church of Australasia” were

inserted in place of the words "The Australasian Methodist Church," wherever such words occur; and as if the words "The Methodist Missionary Society of Australasia" were inserted in place of the words "The Australasian Methodist Missionary Society," wherever such words occur.

(3.) The model deed shall, after the passing of this Act, be known, referred to, and cited as "The Methodist Church Model Deed of Western Australia, 1912."

(4.) The Methodist Church Register of Trustees for Western Australia, referred to in section thirteen of this Act, shall, after the passing of this Act, be called and inscribed as "The Methodist Church Register of Trustees for Western Australia."

5. The Registrar of Deeds of Western Australia is hereby empowered and directed to enrol in his office the Methodist Church Model Deed of Western Australia, 1912, hereinbefore referred to, when such deed is presented or tendered to him for that purpose by or on behalf of the President for the time being of the Western Australia Conference, and a printed copy of the said deed certified by the Custodian of Deeds shall also be lodged with the Registrar of Titles in his office.

Model deed to be enrolled.

6. All lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in Western Australia, together with all rights, easements, and appurtenances relating thereto which at the time of the passing of this Act are held upon the trusts of the Wesleyan Methodist Model Deed of South Australia, 1887, or upon the trusts of the said Methodist Church Model Deed of Western Australia, 1912, or on any deed therein referred to or are otherwise held on behalf of or in trust for the Wesleyan Methodist Church or the Methodist Church, and which have been acquired or shall hereafter be acquired by gift, purchase, devise, bequest, or otherwise for the Methodist Church without any special trusts being attached thereto shall, after the coming into operation of this Act, be held for the Methodist Church of Australasia upon the trusts and with the powers, authorities, and discretions, and subject to the provisions and conditions of the Methodist Church Model Deed of Western Australia, 1912, or any future alteration or modification thereof which shall have been or shall be duly authorised by the Western Australia Conference with the approval of the said General Conference and without prejudice to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively, and subject to and without prejudice to any resulting trust or any trust of any such lands, tenements, and hereditaments in favour of the donor or any person or corporation other than the Methodist Church, and upon and subject to no former or other trusts or provisions whatsoever.

Vesting of landed property of Wesleyan Methodist Church in trustees for United Church

and the Registrar of Titles and the Registrar of Deeds are respectively hereby authorised, where any such lands acquired or to be acquired are held under the Transfer of Land Act, 1893, or the Land Act, 1898, or the amendments thereof respectively, to register any transfer to and to issue certificate or certificates of title, lease, or leases in the names of the transferees therein mentioned as "Trustees under the provisions of the Methodist Church Model Deed of Western Australia, 1912."

Vesting of landed property of Primitive Methodist and Bible Christian Churches in trustees for United Church.

7. All lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in Western Australia, together with all rights, easements, and appurtenances relating thereto which prior to the first day of January, One thousand nine hundred, were held upon any trusts for the Church or people or the religious community or denomination called or known as "The Primitive Methodists" or "The Primitive Methodist Connexion," or upon trust for any Primitive Methodist Society, and also all lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in the State of Western Australia, together with the rights, easements, and appurtenances relating thereto which prior to the first day of January, One thousand nine hundred, were held upon trust for the Church or people or religious community or denomination called or known as "The Bible Christians" or "The Bible Christian Connexion" or upon trust for any Bible Christian Society, shall as from the said first day of January, One thousand nine hundred, be and be deemed to have been and shall be held for the Methodist Church of Australasia upon the trusts and subject to the provisions of the Methodist Church Model Deed of Western Australia, 1912, and upon and subject to no former or other trusts or provisions whatsoever, 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 lands, tenements, and hereditaments in favour of the donor or any person or corporation other than the Primitive Methodist Church or Bible Christian Church or either of them.

Vesting of School and Collegiate property in trustees for United Church.

8. All personal property and all lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in Western Australia, together with all rights, easements, and appurtenances relating thereto which at the time of the coming into operation of this Act are held upon trust for the Wesleyan Methodist Church or the Methodist Church for college purposes, collegiate school purposes, or school purposes, or for the purpose of theological institutions, shall from and after the coming into operation of this Act be held upon trust for the Methodist Church of Australasia and under the direction and control of the Western

Australia Conference thereof, but otherwise subject to the trusts which prior to the passing of this Act had been declared and existed concerning the same.

9. All lands, leases, holdings, and tenements of whatsoever tenure in Western Australia granted or dedicated by the Crown or the Commissioner for Crown Lands upon trust for the erection thereon respectively of churches, chapels, school-houses, or ministers' residences or for other purposes for or in connection with the uniting Churches or any of them, and which are now held upon the said trusts, shall from and after the coming into operation of this Act be deemed to have been granted and shall be held for the Methodist Church of Australasia upon the trusts and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of the said Methodist Church Model Deed of Western Australia, 1912, and upon and subject to no former or other trusts or provisions whatsoever.

Lands dedicated for purposes of the Uniting Churches to be held for United Church.

10. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed, or has been or shall be declared or directed to be held upon trust to or for the benefit of the Wesleyan Methodist Church, or the Australasian Methodist Missionary Society, the Australasian Wesleyan Methodist Church, or the Primitive Methodist Church, or the Bible Christian Church, or intended so to be or to or for the benefit of any church, chapel, school, fund, institution, society, or auxiliary in connection with any of the said churches or intended so to be or shall be or become receivable by or payable to any such church, chapel, school, fund, institution, society, or auxiliary, or receivable by or payable to any officer thereof, and whenever by any will, deed, or other instrument any power, authority, discretion, or power of consent is given to or becomes exercisable by or is required from the Wesleyan Methodist Church, the Australasian Methodist Missionary Society, the Australasian Wesleyan Methodist Church, the Primitive Methodist Church, the Bible Christian Church, or any of them, or of any Conference, Assembly, District Committee, or District Synod of any of the said Churches, or of the President, Chairman, Secretary, or other officer thereof respectively, or of any minister thereof in his official capacity, every such will, deed, or other instrument and every devise, bequest, legacy, testamentary disposition, gift, grant, conveyance, transfer, assignment, appointment, declaration of trust, power, authority, discretion, and consent therein contained or referred to or intended so to be shall be read and construed and take effect as if the Methodist Church of Australasia had been named and referred to therein in place of the Uniting Church named or referred to or intended so to be, and as if the Western Australia

Devises and bequests in favour of Uniting Churches to enure for benefit of United Church.

Conference of the Methodist Church of Australasia had been named and referred to therein in place of the Conference or Assembly of the United Church named or referred to or intended so to be, and as if the district meeting or district synod or corresponding Church, court, or committee of the Methodist Church of Australasia had been named or referred to therein in place of the district committee, district meeting, or district synod named or referred to or intended so to be, and as if the President or Secretary of the Western Australia Conference of the Methodist Church of Australasia had been named and referred to in place of the President or Secretary named or referred to or intended so to be, and as if the chairman, minister, officer, church, chapel, school, fund, institution, society, or auxiliary of the Uniting Church named and referred to or intended so to be had been named and referred as a chairman, minister, officer, church, chapel, school, fund, institution, society, or auxiliary of the Methodist Church of Australasia, and the signature of the President for the time being of the Western Australia Conference of the Methodist Church of Australasia signifying the exercise of such power, authority, or discretion, or the giving of such consent shall be evidence of the exercise of such power, authority, or discretion and of the giving of such consent respectively, and the receipt of the said President or of any person or persons duly appointed by him from time to time in that behalf for any such bequest or gift shall be a sufficient discharge to the person or persons liable to pay, deliver, or transfer any money or personal property under such will, deed, or other instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed or declared or directed to be held upon trust shall, subject to the provisions of this Act and to the trusts of such will, deed, or other instrument, and subject to any directions to the contrary therein contained, so far as the same are capable of taking effect, be under the direction or control of the Western Australia Conference of the Methodist Church of Australasia.

Personal property of
Uniting Churches to
be held for United
Church.

11. All personal property which at the time of the passing of this Act is held in trust for the Uniting Churches or any of them or for any fund, institution, society, or auxiliary thereof shall, from and after the coming into operation of this Act, be held upon trust for the Methodist Church of Australasia or for the corresponding fund, institution, society, or auxiliary thereof as the case may be: Provided that if by reason of the union of the Uniting Churches the particular trust upon which any personal property is held fails, such personal property shall be held upon such trusts and for such purposes as shall from time to time be declared or directed by the Western Australia Conference of the Methodist Church of Australasia.

12. Where any sale, mortgage, exchange, or lease of any church lands not under the provisions of the Transfer of Land Act, 1893, or the Land Act, 1898, or amendments of the same respectively, is made the conveyance, mortgage, exchange, or lease, and all other deeds or documents necessary for effectuating such sale, mortgage, exchange, or lease, shall if executed by a majority of the trustees for the time being of the said church lands named in the Register of Trustees hereinafter mentioned 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, or other document, and where any sale, mortgage, exchange, lease, or sublease of any church lands under the provisions of the Transfer of Land Act, 1893, or the Land Act, 1898, or amendments of the same respectively, is made the transfer, mortgage, exchange, lease, or sublease thereof, and all other necessary documents shall be as effectual if signed by a majority of the trustees for the time being of such church lands named in such register of trustees as if such transfer, mortgage, exchange, lease, or sublease, or other document had been duly signed by all the trustees or registered proprietors thereof: Provided always, that the trustees making any such transfer, conveyance, mortgage, exchange, lease, sublease, or other document shall consist of not less than three in number: Provided also, that any trustee absent from the State may join in, make, and execute any such conveyance, transfer, mortgage, exchange, lease, sublease, or other document as aforesaid by his attorney duly appointed by him in that behalf.

Method of executing conveyances and other dispositions of Church lands.

Provided also, that notwithstanding anything in the Transfer of Land Act, 1893, or any amendment thereof contained, the Registrar shall not be bound to see or inquire whether any dealing with land under this clause is in accordance with or contrary to or be affected by any notice express or implied that such dealing is not in accordance with or is contrary to the Trusts upon which such land is held by the trustees.

13. The Custodian of Deeds or Acting Custodian of Deeds shall keep or cause to be kept a Register of Trustees of all church lands, and such register shall be called "The Methodist Church Register of Trustees for Western Australia," and shall be in the form or to the effect contained in the First Schedule hereto, and the said Custodian of Deeds or Acting Custodian of Deeds shall, with all reasonable despatch, enter or cause to be entered in such register of trustees the names, addresses, and occupations of the present trustees of such church lands, with all other particulars indicated by the said First Schedule, and such Custodian of Deeds or Acting Custodian of Deeds shall from time to time, upon the appointment of any new or additional trustee or trustees of any church lands, insert or cause to be inserted in such Register of Trustees

Register of trustees to be kept.

the name, address, and occupation of such new or additional trustee or trustees, and in the case of the appointment of any new trustee or trustees how the vacancy in the trust occurred, whether by death or otherwise, and in the case of the appointment of any additional trustee or trustees, the fact that such trustee or trustees is or are additional trustees and the date of the appointment of the new or additional trustee or trustees, and also the date of insertion of his or their name or names in such Register of Trustees, and the said Custodian of Deeds or Acting Custodian of Deeds shall sign his name in such Register of Trustees, in the proper column in the same line with the name of every trustee (old, additional, and new), to authenticate the due appointment of each trustee, and such Custodian of Deeds or Acting Custodian of Deeds may at any time or times issue a certificate in the form or to the effect in the Second Schedule hereto under his hand, stating who is or are the trustee or trustees of any particular church lands specified in such certificate at the date thereof, or who was or were such trustee or trustees at any particular date specified in such certificate, and such Register of Trustees shall be at all reasonable times open to the inspection of the members or adherents of the Methodist Church in Western Australia and others interested therein.

Amendment of
Register of Trustees.

14. The Custodian of Deeds for the time being or the Acting Custodian of Deeds for the time being shall have full power at any time to amend the Register of Trustees by rectifying any error or supplying any omission therein, and shall initial such amendment and affix thereto the date the same was made, and shall not erase or render illegible the part so rectified, and the register so amended shall have all the validity and operation by this Act conferred upon the Register of Trustees.

Vesting of lands in
new trustees.

15. On the insertion and authentication as aforesaid in the said Register of Trustees of the name or names of any new or additional trustee or trustees of any church lands not under the operation of the Transfer of Land Act, 1893, or the amendments thereof, or not under the Land Act, 1898, or any Acts amending the same, or not under the operation of any Acts repealing or enacted in substitution for such Acts, the estate in such church 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 continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and upon and subject to the same trusts without any conveyance or assignment whatsoever; and on the insertion and authentication as aforesaid 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 Transfer of Land Act, 1893, or the amendments thereof, or under the Land Act, 1898, or Acts amending the same, or under the operation of any Acts repealing or enacted in substitution for such Acts, such new or additional trustee or trustees together with the continuing 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 Transfer of Land Act, 1893, or the amendments thereof, or under the Land Act, 1898, or Acts amending the same, or under the operation of any Acts repealing or enacted in substitution for such Acts shall be entitled to be entered or registered in the register book kept under the provisions of such Acts, respectively, as the proprietor or proprietors, holder or holders, thereof, within the meaning of the said Acts respectively, without any formal transfer, and to have a certificate of title, grant, lease, license, or other document of title issued to him or them, in his or their name or names, as such proprietor or proprietors, holder or holders, but subject to the said Methodist Church Model Deed of Western Australia, 1912, and to any then subsisting mortgage, lien, encumbrance, or lease; and whenever any person or persons shall be nominated and appointed for the purpose of increasing the number of trustees, this section shall have the same effect as if such person or persons so nominated and appointed for the purpose of increasing the number of trustees had been nominated and appointed to be new trustees in place of some other trustee or trustees.

16. The entries in the Register of Trustees authorised by section thirteen of this Act to be made therein, when authenticated by the signature of the Custodian of Deeds for the time being or the Acting Custodian of Deeds for the time being, and any extract purporting to be an extract from such Register of Trustees in the form or to the effect of the Second Schedule hereto, certified under the hand of such Custodian of Deeds or Acting Custodian of Deeds, shall be received and taken in all legal proceedings and in all dealings with such lands before the Registrar or Assistant Registrar of Deeds, the Commissioner or Acting Commissioner of Titles, Registrar or Assistant Registrar of Titles, or the Minister or Acting Minister for Lands, or their respective deputies, or such other officers or persons who may from time to time be appointed in their stead or to carry out the duties and offices now carried out by them, 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 lands without production of such Register of Trustees, and judicial notice shall be taken of the signature of the Custodian of Deeds or Acting Custodian of Deeds to every such extract.

Entries in and
extracts from
Register of Trustees
to be evidence.

Appointment of
Acting Custodian of
Deeds.

17. In case of the decease, illness, absence from the State of Western Australia, or temporary incapacity of such Custodian of Deeds, some other person may as hereinafter mentioned be appointed to act in his place, but not for a longer period than the due appointment of a Custodian of Deeds at the next annual meeting of the Western Australia Conference, and such other person shall be designated the Acting Custodian of Deeds of the said Church, and such Acting Custodian of Deeds during the time for which he shall be so appointed shall have, perform, and execute all the powers, authorities, and duties of such Custodian of Deeds, and shall underneath his signature in the said Register of Trustees, or affixed to any certificate given by him under the provisions hereof, or to any extract made by him from such Register of Trustees, write the words "Acting Custodian of Deeds." And the production of a copy of the *Western Australian Government Gazette* containing a notification purporting to be by the President for the time being of the said Western Australia Conference of the appointment of such Custodian of Deeds or of such Acting Custodian of Deeds as aforesaid shall be sufficient evidence of the due appointment of such Custodian of Deeds or Acting Custodian of Deeds respectively. A copy of such *Gazette* notice signed by the President for the time being of the said Western Australia Conference shall also be registered in the office of the Registrar for Deeds and by the Registrar of Titles in his office.

Constitution of
Annual Conference
of New Zealand as
an Independent
Conference con-
firmed.

18. The constitution of the said Annual Conference of the New Zealand Church as an Independent Conference, with the powers contained in and in accordance with and upon and subject to the plan of independence hereinbefore referred to, is hereby sanctioned and confirmed, and upon the sanction of the Parliaments of each of the Australian States and New Zealand being obtained to the constitution of such Independent Conference as aforesaid the President of the General Conference may by writing under his hand fix the date on which the Independence of the Annual Conference of the New Zealand Church shall take effect. A written or printed copy of such writing certified by the President of the General Conference to be a true copy thereof shall forthwith be inserted in the *Government Gazette* of the Commonwealth of Australia and of the State of Western Australia, and a copy of such *Gazette* shall be conclusive evidence in the State of Western Australia of the fact of the constitution of the said Annual Conference of the New Zealand Church as an Independent Conference and of the date on which such independence is to take effect. The said Model Deed and the said Book of Laws shall, where the context so admits, from and after the date fixed as aforesaid for such independence to take effect, be read and construed as if

the reference therein either expressed or implied to the New Zealand Church as forming part of the Methodist Church of Australasia and to the New Zealand Conference as being one of the Conferences comprised in and governed by the said General Conference had not been contained therein.

19. The Western Australia Conference of the Australasian Wesleyan Methodist Church held in Perth in the months of February and March in the years One thousand nine hundred and One thousand nine hundred and one, and of the Methodist Church of Australasia held in Perth in the months of February and March in the years One thousand nine hundred and two, One thousand nine hundred and three, One thousand nine hundred and four, One thousand nine hundred and five, One thousand nine hundred and six, One thousand nine hundred and seven, One thousand nine hundred and eight, One thousand nine hundred and nine, One thousand nine hundred and ten, One thousand nine hundred and eleven, and One thousand nine hundred and twelve, and all elections, appointments, rules, and orders held, made, and passed by such Conferences are hereby confirmed and declared to be valid for all purposes.

Acts of conferences of Australasian Wesleyan Methodist Church and of Methodist Church of Australasia confirmed.

20. Notwithstanding anything contained herein or in the said Model Deed or the Deed Poll referred to therein, the Western Australia Conference may from time to time—

Certain powers of Western Australia Conference.

- (1.) Appoint any minister, being a member of the said Conference, or any preacher on trial, to the same circuit, church or churches, chapel or chapels, or premises year by year successively for a period not exceeding in the whole five years, or for such longer or shorter period as may from time to time be authorised by the General Conference of the Methodist Church of Australasia: 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 has determined or may hereafter from time to time determine.
- (2.) With the approval of such General Conference, make such rules and regulations for the appointment of ministers and preachers on trial, and the election of its officers, as it thinks fit, and from time to time repeal, alter, or vary such rules and regulations.
- (3.) With the approval of such General Conference, but subject to the restrictions as to doctrines contained in the said Constitutional Basis, make any other alterations in or modifications to the provisions of the Model Deed or any schedule thereto.

Provided that whenever the provisions of the Model Deed be altered or modified by the Western Australia Conference, a copy of such alterations or modifications, certified by the President for the time being of such Conference, shall forthwith after such alteration or modification be deposited in the office of the Registrar for Deeds for the State of Western Australia and the Registrar of Titles in his office.

Saving of rights
and power of
trustees.

21. Nothing in this Act shall limit, restrict, take away, or alter any rights or powers which any trustee of real or personal property by this Act directed to be held in trust for the Methodist Church of Australasia, or any fund, institution, society, or auxiliary thereof, had or possessed prior to the passing of this Act to sell or mortgage or be indemnified out of such property in order to liquidate any debts or obligations properly incurred by or resting upon him in respect of such property.

Certain documents
made evidence.

22. A print purporting to be a printed copy of the minutes of the English Conference or of the said General Conference or of any of the five Annual Conferences constituted by such General Conference or of any Annual Conference which may at any time hereafter be duly constituted by the said General Conference, respectively, and a printed copy of the latest edition of the "Book of Laws" of the Methodist Church of Australasia purporting to be published by or under the authority of the General Conference shall, if certified under the hand of the President for the time being of the Western Australia Conference, be taken and received in legal and other proceedings before any Court of Justice, or before any person having by law or consent of parties authority to hear, receive, and examine evidence, 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 things whatsoever of the English Conference, General Conference, or Annual Conference respectively, and laws of the said Church for the time being, subject as to the said Book of Laws to any alterations thereof or additions thereto shown by the minutes of any General Conference held after the publication of the latest edition of such Book of Laws, without any further proof whatever, and a print purporting to be a printed copy of the said Methodist Church Model Deed of Western Australia, 1912, and of the schedules thereto attached shall, if certified under the hand of the President for the time being of the Western Australia Conference, 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 said Annual Conference and of the aforesaid Deed Poll of John Wesley, without the production of the originals thereof respectively.

23. Judicial notice shall be taken of the signatures of the President and Secretary for the time being of the General Conference of the Methodist Church of Australasia, and of the President and Secretary for the time being of the Western Australia Conference of the said Church.

Judicial notice to be taken of certain signatures.

24. The President for the time being of the Western Australia Conference of the Methodist Church of Australasia may sue and be sued in all actions and proceedings, whether at law or in equity, as nominal plaintiff or defendant, as the case may be, for the purpose of—

President of Conference may sue or be sued in order to ascertain rights as to property.

- (1.) Ascertaining or determining the trusts upon which any real or personal property hereinbefore mentioned or referred to are or shall be held;
- (2.) Ascertaining or determining whether any real or personal property is subject to any trusts in favour of any church, denomination, religious community, fund, institution, society, or auxiliary referred to in this Act.

And generally for the purposes of any action or proceeding for the recovery of or relating to any property which is held upon trust by some person or persons other than such President, the President for the time being of the Western Australia Conference of the Methodist Church of Australasia shall be deemed to be the owner of such property.

25. The Western Australia Methodists Act, 1895, is hereby repealed, but such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under such Act, or any act, deed, matter, or thing lawfully done thereunder.

Repeal.

THE FIRST SCHEDULE.

**THE METHODIST CHURCH REGISTER OF TRUSTEES FOR
WESTERN AUSTRALIA.**

Folio 1.

(Words of description, such as Wesley Church or Manse).

| | Area. | Description. | Nature of Title. | Number. | Register Book. | |
|----------------------------|-----------------|--------------------------------|--|---------------------------------------|-----------------------------------|-----------------------------------|
| | | | | | Vol. | Fol. |
| (Insert numbers of items.) | (Insert areas.) | (Insert descriptions of lands) | (Insert nature of titles to the lands, whether grant or C. of T., lease or otherwise.) | (Insert numbers or other references.) | (Insert Vol. or other reference.) | (Insert Fol. or other reference.) |

| Name of Trustee. | Address and Occupation of Trustee. | Date of Appointment. | Date of Insertion herein. | Signature of Custodian of Deeds or Acting Custodian of Deeds. | Vacancy, how created and when. | Signature of Custodian of Deeds or Acting Custodian of Deeds. |
|------------------|------------------------------------|----------------------|---------------------------|---|--------------------------------|---|
| A.B. | Hay Street, Perth, Merchant | 10th Jan., 1912 | 15th Feb., 1912 | K.L., Custodian of Deeds | | |
| C.D. | Similar ... | 10th Jan., 1912 | 15th Feb., 1912 | K.L., C. of D. | By removal, 2nd May, 1912 | M.N., Acting C. of D. |
| E.F. | Do. ... | 10th Jan., 1912 | 15th Feb., 1912 | K.L., C. of D. | | |
| G.H. | Colin Street, Perth, Manager | 2nd May, 1912 | 31st May, 1912 | M.N., Acting C. of D. | | |
| L.J. | Claremont, Civil Servant | 2nd May, 1912 | 31st May, 1912 | M.N., Acting C. of D. | By death, 30th Nov., 1912 | K.L., C. of D. |

THE SECOND SCHEDULE.

The Methodist Church Property Trust Act, 1912.

CERTIFICATE AS TO TRUSTEES OF CHURCH LANDS.

I HEREBY CERTIFY that (here insert names and addresses of the Trustees for the time being or for the time specified, as the case may be, as shown by the Register of Trustees) are (or were on the day of , 19) the Trustees of (here specify the particular Church lands).

Dated this day of , 19 .

Custodian of Deeds (or Acting Custodian of Deeds).