

## New Zealand.



### ANALYSIS.

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### 1913, No. 3.—*Private.*

**Title.** AN ACT to confirm the Union of the Methodist Church of New Zealand with the Primitive Methodist Connexion (commonly known as the Primitive Methodist Church) in New Zealand, and to vest in the Methodist Church of New Zealand and assimilate the Trusts of all Lands and Property in New Zealand belonging to or held in Trust for the said Churches or either of them, and for other Collateral Purposes.

[3rd October, 1913.]

**Preamble.** WHEREAS an agreement having been made between the Methodist Church of New Zealand and the Primitive Methodist Connexion (commonly known as the Primitive Methodist Church), in New Zealand, to unite as one Church as and from the sixth day of February, nineteen hundred and thirteen, to be called the Methodist Church of New Zealand, under the constitution, terms, and conditions set forth in or incorporated with a basis of union prepared by representatives of the said Churches and accepted by the annual conferences thereof, which basis of union was published in the printed minutes of the annual conference of the Methodist Church of Australasia in New Zealand, held in the City of Auckland, in New Zealand, in the months of February and March, nineteen hundred and twelve: And whereas, pursuant to such agreement, the members of the annual conferences of the said uniting Churches duly appointed therefor did meet as a united conference in the City of Wellington, in New Zealand, in the month of February, nineteen

hundred and thirteen, and transacted and dealt with business and matters, and exercised powers vested in, reserved for, or exercisable by the respective conferences of the said Churches: And whereas all Church lands belonging to the Methodist Church of New Zealand are held upon the trusts and subject to the provisions of the Methodist Church of New Zealand Act, 1911, and the various Acts incorporated therewith, or therein referred to, and of the Model Deed therein referred to (hereinafter called the Model Deed): And whereas the Church lands of the Primitive Methodist Church or Connexion, in New Zealand, are held upon the trusts and subject to the provisions of the Primitive Methodist Temporal Affairs Act, 1879, and (where not inconsistent with the provisions of that Act) upon the trusts and subject to the provisions of the Deed Poll and Model Chapel Trust Deed of the Primitive Methodist Connexion, dated the fifth day of February, eighteen hundred and thirty, and executed by Hugh Bourne, James Bourne, and William Clowes, therein described and enrolled in the High Court of Chancery in England: And whereas it is desirable that all Church lands and property in New Zealand belonging to or held in trust for the said uniting Churches, or either or any one of them, should be vested in the Methodist Church of New Zealand, and the trusts upon which the same are now held assimilated:

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

1. This Act may be cited as the Methodist Union Act, 1913. Short Title.
2. This Act shall be read, construed, and incorporated with the Methodist Church of New Zealand Act, 1911, and the various Acts therein referred to, and the Primitive Methodist Temporal Affairs Act, 1879. Construction of Act.
3. In the interpretation of this Act the following terms shall have the meanings hereinafter assigned to them respectively, unless the meaning be inconsistent with the context:— Interpretation.
  - “The Model Deed” means “The Wesleyan Methodist Model Deed of New Zealand, 1887,” referred to and cited in the Wesleyan Methodist Church Property Act, 1887, and its amendments:
  - “Primitive Methodist Connexion” means the denomination, church, or connexion commonly described by that name established in Great Britain in the year eighteen hundred and ten by the late Hugh Bourne and James Bourne:
  - “Church lands” includes (when applied to property of the Primitive Methodist Connexion) all lands and premises in New Zealand of whatever tenure and chattels real which now are or which may at any time hereafter be held in trust for or on behalf of the Primitive Methodist Connexion, together with all churches or chapels, dwelling-houses, schools, and all other buildings and erections thereon, and also all fittings, fixtures, rights, easements, and appurtenances whatever relating thereto respectively, or therewith usually held and enjoyed:

“Basis of union” means the basis of union prepared by the joint committee of the Methodist Church of Australasia in New Zealand and the Primitive Methodist Connexion in New Zealand sitting in the City of Wellington, in New Zealand, in the month of June, nineteen hundred and eleven, which said basis of union was adopted by the conferences of the said uniting Churches, and was published in the printed minutes of the annual conference of the Methodist Church of Australasia in New Zealand, held in the City of Auckland, in New Zealand, in the months of February and March, nineteen hundred and twelve :

“Uniting Churches” means the Methodist Church of New Zealand and the Primitive Methodist Connexion, commonly known as the Primitive Methodist Church in New Zealand.

Confirmation of union of Methodist and Primitive Methodist Churches.

4. The union of the Methodist Church of New Zealand and the Primitive Methodist Connexion, commonly known as the Primitive Methodist Church in New Zealand, in accordance with and upon and subject to the basis of union hereinbefore referred to, is hereby sanctioned, ratified, and confirmed, and shall be deemed to have taken place on the sixth day of February, nineteen hundred and thirteen.

Validation of resolutions, &c., of united conference of said Churches.

5. All appointments and admissions made, all acts done, resolutions passed, and orders given by or under the authority of the members of the annual conferences of the said uniting churches, which met as a united conference in Wellington, in New Zealand, in the month of February, nineteen hundred and thirteen, shall be and the same are hereby validated and confirmed.

Disposition of property.

6. All lands and property in New Zealand which on the sixth day of February, nineteen hundred and thirteen, belonged to or were held in trust for or on behalf of the uniting denominations—namely, the Methodist Church of New Zealand and the Primitive Methodist Connexion or Church in New Zealand—or either of them, shall, as from the said date (but subject and without prejudice to any mortgage, charge, incumbrance, lien, lease, agreement, or other transaction affecting the same respectively), be and be deemed to have been and shall be held upon trust for the Methodist Church of New Zealand upon the trusts and subject to the provisions of the Model Deed and any alterations and modifications thereof duly authorized, and to the provisions of the Methodist Church of New Zealand Act, 1911, and the Acts therein referred to or incorporated therewith, and upon and subject to no other trusts or provisions whatever; and such lands and property shall be included in the expression “Church lands” wherever used in the said Acts.

Property conveyed or bequeathed, &c., to either of the said Churches deemed to be conveyed or bequeathed, &c., to the Methodist Church of New Zealand.

7. Whenever by any deed, transfer, will, or other instrument any real or personal property has been or shall be conveyed, transferred, devised, bequeathed, or given to or in trust for or for the benefit of the Methodist Church of New Zealand or the Primitive Methodist Connexion (either generally or in some locality), or to or in trust for or for the benefit of the members, ministers, or adherents of (or any conference, or assembly, or meeting, or fund,

institution, or society in connection with) either of the said denominations or uniting Churches, or is or shall be receivable by or payable to either of the said denominations or uniting Churches, or any minister or officer thereof, every such conveyance, transfer, devise, bequest, or gift shall be construed or take effect as if the Methodist Church of New Zealand had been the Church or denomination referred to in the conveyance, transfer, devise, bequest, or gift; and the release or receipt of the president for the time being of the Methodist Church of New Zealand for any such conveyance, transfer, or devise, bequest, or gift, shall be a sufficient discharge to the person delivering, conveying, transferring, or paying the same; and all property so conveyed, devised, bequeathed, or given shall (subject to any directions to the contrary in the said deed, transfer, will, or other instrument contained) be under the control of the said conference.

8. In any action or proceeding affecting the rights or interests of the Methodist Church of New Zealand in respect of any property (real or personal) in New Zealand, the president for the time being of the conference thereof shall, if the Church or its members ought to be a party or parties as distinct from the trustee or trustees, represent the said Church or the members thereof as plaintiff or defendant as the case may require.

President of conference to represent Church as plaintiff or defendant in legal proceedings.

9. Nothing in this Act contained shall deprive any trustee of Church land or Church property of any rights which but for this Act he would have to be indemnified out of the property the subject-matter of the trust in respect of any mortgage, charge, lien, incumbrance, or obligation.

Saving of rights of trustees to indemnity in respect of obligations arising out of trust property.