



Wesleyan Methodists, Independents, and Baptists Churches Act 1838

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Reprint note

Subsection headings have been reformatted in this reprint to reflect current drafting styles.

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Queensland

Wesleyan Methodists, Independents, and Baptists Churches Act 1838

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Wesleyan Methodists, Independents, and Baptists Churches Act 1838

An Act to regulate the temporal affairs of the religious societies denominated Wesleyan Methodists Independents and Baptists

Preamble

- 1 By an Act of the Governor of New South Wales with the advice of the Legislative Council thereof passed in the seventh year of the reign of His late Majesty King William IV intituled ‘An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales’ it is amongst other things provided that before any sum of money shall be issued from the Colonial Treasury towards the building of any church or chapel and minister’s dwelling trustees not less than 3 nor more than 5 in number shall be nominated by the persons contributing towards the building of the same for the approval of the Governor and Executive Council and the real estate in the site of such church chapel or minister’s dwelling and of any lands or hereditaments thereunto belonging shall be conveyed to the said trustees when approved and to the heirs of the survivor of such trustees upon trust for the erection maintenance and repair of the said church or chapel or minister’s dwelling and for the provision out of the revenues belonging to or arising from the use of the said church or chapel in such manner as shall be lawfully appointed of all things necessary for the celebration of divine worship therein.
- 2 With regard to chapels and ministers’ dwellings of the religious societies denominated Wesleyan Methodists Independents and Baptists it is expedient to make further provision for creating a succession of properly qualified trustees according to the usages and regulations of the said

societies respectively and for defining the matter in which the trusts thereby created shall be fulfilled.

1 Trustees to be appointed under the provisions of 7 Wm. IV. No. 3 authorised and required upon the request in writing of 3 or more subscribers or of 3 or more members of the society for whom a church or chapel shall be erected to convey the trust premises lands and hereditaments thereunto belonging to any 3 or more trustees who shall be elected in accordance with the usages of such society

- (1) That so soon as any chapel or chapel and minister's dwelling belonging to the aforesaid societies respectively shall be erected it shall and may be lawful for the trustees or the survivor of them or the heirs of such survivor who shall be appointed in pursuance of the Act hereinbefore recited and he or she and they are hereby authorised and required at the request in writing of any 3 or more of the subscribers to the undertaking or of any 3 or more of the members of the society or denomination for whom the said chapel was erected to convey the said trust premises with any lands or hereditaments thereunto belonging to any number of trustees to be nominated and elected according to the usages of such society as aforesaid not being less than 3 and to their heirs to hold the real estate of and in the same hereditaments to the use of such society upon the trusts stated and set forth in a model deed of such society to be enrolled in the Supreme Court of New South Wales within 2 years after the passing of this Act after the same shall have been proved to the satisfaction of His or Her Excellency the Governor and the Executive Council to be a deed recognised and established by the usages of the religious society to which it professes to belong.

Editor's notes—

- 1 The title of 7 Wm. IV. No. 3 is 'An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales'. The Act was repealed in 1860.
- 2 A reference to 'New South Wales' in this Act may be read as if 'Queensland' had been expressly mentioned. See *Supreme Court Act 1867*, section 36.

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- (2) **In default whereof the fee simple of such trust estate shall within 6 months after such requisition pass to the registrar of the Supreme Court who shall make proper conveyance thereof to new trustees**

However, if the original trustees or the survivor of them or the heirs of such survivor shall leave the Colony of New South Wales or shall become either naturally or legally incapacitated to act or shall neglect or refuse to make such conveyance for 6 calendar months after such requisition as aforesaid then in any of such cases the fee simple of the trust estate shall pass from the said original trustees or the survivor of them or the heirs of such survivor to the registrar for the time being of the Supreme Court of New South Wales who is hereby authorised and required forthwith to make a proper conveyance of the said trust estate to the new trustees in manner above set forth.

2 Registrar of Supreme Court to enrol model deed of conveyance and trust whenever presented

- (1) The registrar of the Supreme Court of New South Wales shall be hereby authorised and required to receive and enrol in the said court a model deed of conveyance and trust for each society to which this Act refers after the same shall have been proved to the satisfaction of the Governor and the Executive Council as aforesaid whensoever the same shall be presented by the chairperson or senior minister of the New South Wales district on behalf of the Wesleyan Methodists by the minister or a majority of the members of the Independent Church Pitt-street Sydney on behalf of the Independents and by the minister or a majority of members of the Baptist Church Bathurst-street Sydney on behalf of the Baptists.
- (2) However, it shall be lawful for any 1 or more of the original trustees to act as new trustees when duly nominated and elected for that purpose.