

*P Repealed as to Ch of
England by 32 v. 2:30 sec 10*



ANNO PRIMO
VICTORIÆ REGINÆ,
No. 16.

By His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.

An Act to make provision for the support of certain Ministers of the Christian Religion and to promote the erection of places of Divine Worship.

WHEREAS it is expedient to make provision by Law for the support from the Colonial Public Revenue of certain Ministers of the Christian Religion and for encouraging in the manner hereinafter mentioned the erection of places of public worship and of ministers' dwellings for persons professing that religion:—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN FRANKLIN Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that whenever after the passing of this Act any sum of money *not less than three hundred pounds* shall be raised by subscription for the erection of any such place of worship in any part of this Colony—or in cases where the minister shall be entitled to a salary from the public revenue for the erection of any such place of worship together with a minister's dwelling—or any sum of money *not exceeding three hundred pounds* for the erection or purchase of a minister's dwelling alone in respect of any existing place of worship in the building of

PREAMBLE.

Principle of public contribution towards places of worship and ministers' dwellings.

which any public monies have been expended—then in case it shall be made to appear to the Lieutenant-Governor that there are resident within ten miles of such intended or existing place of worship a number of free adult persons not less than *two hundred* if in Hobart Town or Launceston or not less than *eighty* if elsewhere who shall have subscribed a declaration in writing that they frequent or intend to frequent such place of worship and are bonâ fide members of the denomination for whose use such place of worship was erected or is intended to be erected—it shall be lawful for the Lieutenant-Governor to cause to be issued from the Colonial Treasury as a contribution from the public funds such sum or sums of money (*not exceeding in any such case the sum or sums hereinafter respectively limited*) as shall be equal to the amount of such subscription subject to such regulations for ensuring the due outlay and appropriation as well of such contribution as of the amount of such subscription as he shall think fit from time to time to establish either specially in each case or generally applicable to all cases as to him shall seem most expedient. *Provided* that (in respect of every place of worship intended for the Church of England the Church of Scotland or the Church of Rome) no contribution shall be lawful towards the erection of any such place of worship only but that the erection of a minister's dwelling also shall be indispensable in all cases where the Lieutenant-Governor shall require it.

Amount of contribution.

II.—AND BE IT ENACTED that the amount of such contribution from the Colonial Treasury shall in no case (without the express previous consent of the Legislative Council testified by a vote of that body) exceed the sums next mentioned respectively that is to say—towards the erection of a minister's dwelling only in any such case as aforesaid the sum of *three hundred pounds*—towards the erection of a place of divine worship only the sum of *seven hundred pounds*—towards the erection of any such place of worship together with a minister's dwelling (in cases where the minister shall be entitled to a salary from the public revenue) the sum of *one thousand pounds* or (in cases where the minister shall not be so entitled) the sum of *seven hundred pounds*. *Provided* that in every place of worship towards the erection of which any such contribution shall be applied for there shall invariably be reserved and set apart as free sittings for the accommodation of the poor not less than three sixteenths of the entire number of sittings and shall have the words "free sittings" painted in legible characters thereupon or opposite thereto. *Provided also* that for the accommodation of persons unable in the judgment of the wardens to pay the lowest regulated rate of seat rent one sixteenth of the entire number of sittings in each church shall be excepted from the operation of any general scale for fixing the rates of seat rents which shall be established by the wardens and may in each case be let at such rent as shall appear to them expedient. *Provided also* that no part of any such contribution shall actually be advanced in any case until such reservations of three sixteenths and one sixteenth respectively shall have been satisfactorily guaranteed. *And provided also* that in case in any year the sittings included in this last mentioned one sixteenth or any of them be not so let it shall be lawful for the wardens to allow them to be used as free sittings for that year.

Proviso as to free sittings.

III.—AND BE IT ENACTED that every place of worship and minister's dwelling (whether now or hereafter erected or now in progress of erection) in the building of which respectively any public monies shall have been expended whether by contribution under this Act or otherwise shall with their respective appurtenances be and continue to be for ever dedicated to the purposes and holden solely for the uses and be appropriated to the service of the particular religious denomination for which respectively such buildings were erected originally.

Places of worship and ministers' dwellings to be inalienable.

IV.—AND BE IT ENACTED that for every place of worship belonging to the Church of England the Church of Scotland or the Church of Rome there shall in the last week of every month of December be appointed for the year commencing on the first day of January then next ensuing three church or chapel wardens of whom one shall be appointed by the minister of such church or chapel for the time being and two by a majority of the seat-holders at a meeting to be convened for that purpose by such minister or by any three seat-holders and to be holden on such day in such last week of December and at such hour and place as shall by such minister or three seat-holders be specified.

For certain places of worship wardens to be appointed.

V.—AND BE IT ENACTED that at every such meeting there shall also be elected by the majority of seat-holders present three trustees who shall during the year then ensuing be deemed and taken to be the persons in whom the property in such church or chapel and in the minister's dwelling and their appurtenances respectively shall be vested and in case of the death resignation or departure from the Colony of any such trustees before the expiration of the period for which they shall have been so elected it shall be lawful for the minister for the time being or for any three seat-holders to convene a special meeting of seat-holders for the election of new trustees (or a new trustee as the case may be) to supply the vacancy or vacancies so created during the remainder of that period.

Trustees to be also appointed.

VI.—PROVIDED ALWAYS that nothing contained in either the preceding or the said third section respectively shall affect any existing trust or right whatever and that if any such election of trustees as aforesaid or the mode prescribed for their election shall be inconsistent with the customs or usages of any religious denomination such customs and usages alone shall be followed and no other.

Proviso. Saving of all existing trusts and rights.

VII.—AND BE IT ENACTED that in estimating the majority of seat-holders at every such meeting as aforesaid and in taking the votes of seat-holders at such meetings (which votes shall be given in person only) every individual shall be entitled to one vote in respect of each seat or sitting holden by him. *Provided* that no person shall in any case have more than five votes. *Provided also* that no person shall at any meeting be entitled to vote in respect of any seat or sitting the rent of which shall be then due and unpaid.

Votes of seat-holders.

General powers of church
or chapel wardens.

VIII.—AND BE IT ENACTED that the wardens for the time being of every place of worship shall have power from time to time (subject to such general rules as shall be from time to time established for that purpose by the seat-holders at any such annual meeting in December) to fix the amount which shall be payable for the rent of pews and seats in such place of worship and the amount of fees which shall be payable for vaults and tombstones and to let such pews and seats (subject to all existing rights therein if any) in such manner and to such persons as they the said wardens shall think fit—and to appoint suspend and remove all church officers and servants employed in or about such place of worship (the minister's clerk excepted who shall in each case be appointed and removed by the minister only) and generally to manage the temporalities of every such place of worship and to provide such articles as may be necessary for the proper celebration of divine worship therein—and to fix the salaries or other remuneration of all such officers and servants (including such clerk as aforesaid)—and to pay the amount thereof respectively and of all repairs of buildings and other expenses which circumstances may from time to time render necessary by or out of such rents and fees as aforesaid or out of such other funds as may come to their hands.—*And* for the better collection of all such rents fees and other funds the wardens of every such place of worship for the time being may sue and recover judgment in their own names or in the names of any two of them in any Court of Requests. Nor shall any of them merely by reason of his being a plaintiff in any such suit be prevented from becoming a witness therein.

Wardens to publish their
accounts.

IX.—AND BE IT ENACTED that in the month of January in each year the wardens who shall have been appointed for the year preceding shall cause a true and particular account of their receipts and expenditure during that year (from the first day of January to the thirty-first day of December both inclusive) to be published in the Hobart Town Gazette under their hands or the hands of two of them for general information.

Vacancies amongst war-
dens.

X.—AND BE IT ENACTED that in case any vacancy shall occur at any time in the number of church or chapel wardens so appointed as aforesaid by the death absence or resignation of any one or more of them such vacancy shall be supplied by a new appointment or appointments as soon after the happening of such vacancy as conveniently may be. *And* every such new appointment shall take place in the same manner as far as shall be practicable as if it were had at the ordinary period. *And* every such new warden shall (in respect of his continuance in office) be deemed to have been actually appointed in the month of December previous. *Provided also* that in respect of such continuance in office he shall not be deemed or taken as personally liable for any act or acts done or omitted to have been done before the date of his actual election. *And provided also* that where any such vacancy shall in any year arise after the month of June no such new appointment shall be necessary but the powers which by this Act are given to the wardens may during the remainder of the year continue to be exercised by those who remain.

XI.—AND BE IT ENACTED that the wardens for the time being of every place of worship shall upon all matters before them have each one vote and any two of them shall form a quorum and in the event of a difference in opinion between such wardens on any occasion the votes of any two of them (where three are present) shall be binding upon all or in case of an equality of votes the minister's appointee shall possess a casting vote. *And* the wardens of each place of worship shall have power from time to time to make bye laws (such laws not being inconsistent with this Act) for their general guidance which laws shall be equally binding on and shall be observed by their successors until abrogated or altered by such successors.

Their proceedings *inter se*.

XII.—AND BE IT ENACTED that whenever at any time after the completion of any such place of worship as aforesaid (whether now or hereafter erected or now in progress of erection) intended for members of the Church of England the Church of Scotland or the Church of Rome it shall be made to appear to the Lieutenant-Governor that there are resident within ten miles thereof not less than the number of free adult persons mentioned respectively in the aforesaid first section and not less than such specified number (either eighty or two hundred as the case may be) shall subscribe such declaration in writing as in that section is also mentioned then it shall be lawful for such Lieutenant-Governor to direct from thenceforth the issue from the Colonial Treasury of a yearly salary for the use of the minister thereof for the time being of *Two Hundred Pounds*.

Regulating the amount of salaries to certain ministers.

XIII.—PROVIDED ALWAYS that nothing in the preceding section shall extend to prevent in any particular case the issue by the Lieutenant-Governor of any such salary to any minister in the interior (having an appointment duly confirmed as hereinafter mentioned) although the number of persons so resident or so subscribing shall be under eighty if with the previous assent of the Legislative Council testified by a vote of that body obtained for that purpose. But no such salary shall in any case be permitted where the number of free subscribing adults shall be less than *Fifty*.

Salary in special cases.

XIV.—AND BE IT ENACTED that in estimating the number of such adults every person above the age of fourteen shall be reckoned and that *three children* under that age but above the age of six years shall be reckoned as equivalent to one adult person and the signature of either of the parents of such last mentioned children to any such declaration as aforesaid may be taken in lieu of their own thereto.

Mode of estimating number of adults.

XV.—AND BE IT ENACTED that no salary shall in any case be issued under the authority of this Act to any minister whose appointment shall not have been made in accordance with the laws and principles of the religious denomination to which such minister belongs and have been confirmed by Her Majesty or Her Successors or by the Lieutenant-Governor for the time being—and that no salary shall be continued in any case to any minister after it shall have been certified to the Lieutenant-

All salaried ministers under this Act to be confirmed by the Crown.

Governor by the proper ecclesiastical authority that he has been tried and found guilty by competent authority according to the laws or usages of the church to which he belongs of such misconduct or culpable neglect of duty (specifying in particular the instance or instances of such neglect or misconduct) as according to the same laws or usages renders the discontinuance of such salary proper.—Nor shall any minister continue to receive any such salary who shall not (if required) produce to the Lieutenant-Governor sufficient proof of his having duly officiated during the period for which such salary is applied for.

Saving of existing rights in salaries and glebes.

XVI.—AND BE IT ENACTED AND DECLARED that nothing contained in this Act shall be construed to affect in any manner the salaries or allowances which are now enjoyed by the several ministers named in the schedule hereunto annexed or to prejudice the existing right of any of those ministers to the enjoyment of any glebe anything in this Act to the contrary notwithstanding. *Provided* that every successor to any such minister shall as to salary and allowances be subject to the arrangements made by this Act—the successor and successors to the venerable the archdeacon and the successor and successors to the minister of the Presbyterian church of St. Andrew's (as to the extra salary now assigned to such minister) only excepted.

Trustees may accept lands.

XVII.—AND BE IT ENACTED that it shall be lawful for any trustees appointed by virtue of this Act to accept or take from persons willing to give the same any lands or hereditaments adapted for the site of a church or chapel or of a minister's dwelling with a garden and other appurtenances thereunto or any lands or hereditaments adapted for the purposes of a burial-ground.

Definition of term Lieutenant-Governor and church or chapel wardens.

XVIII.—AND BE IT ENACTED that the term Lieutenant-Governor used in this Act shall be construed to extend equally to the officer (for the time being) administering the Government and that the term warden shall for the purposes of this Act be construed to mean such officer as shall be appointed for managing the temporalities of each church or chapel according to the usage of each religious communion.

JOHN FRANKLIN.

Passed the Legislative Council,
this twenty-seventh day of
November, one thousand
eight hundred and thirty-
seven.

ADAM TURNBULL,
Clerk of the Councils.

SCHEDULE A.

CHURCH OF ENGLAND.

<i>Hobart Town.</i>			
The Venerable The Archdeacon	£500	0	0 Salary
The Minister of Trinity Church } The Minister of St. David's Church }	... 250	0	0 Salary and Glebe
<i>Launceston.</i>			
The Minister of St. John's Church	250	0	0 Salary and Glebe
<i>New Norfolk.</i>			
The Minister of Church ...	250	0	0 Salary and Glebe
	50	0	0 Allowance in lieu of fencing Glebe
<i>Sorell.</i>			
The Minister of St. George's Church ...	250	0	0 Salary and Glebe
	50	0	0 Allowance in lieu of fencing Glebe
<i>Norfolk Plains.</i>			
The Minister of Church...	250	0	0 Salary and Glebe
	50	0	0 Allowance in lieu of fencing Glebe
<i>Campbell Town.</i>			
The Minister of Church ...	250	0	0 Salary and Glebe
<i>Clarence Plains.</i>			
The Minister of Church ...	109	4	0 Salary

CHURCH OF SCOTLAND.

<i>Hobart Town.</i>			
The Minister of St. Andrew's Church ...	250	0	0 Salary
Extra Salary to ditto ditto.....	100	0	0 Do.
<i>Launceston.</i>			
The Minister of Church...	250	0	0 Salary
<i>Bothwell.</i>			
The Minister of Church...	200	0	0 Salary
<i>Macquarie River.</i>			
The Minister of Church...	100	0	0 Salary

CHURCH OF ROME.

<i>Hobart Town.</i>			
The Vicar-General	200	0	0 Salary
<i>Richmond.</i>			
The Minister of Church...	150	0	0 Salary

AN ACT

*To make provision for the support
of certain Ministers of the
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