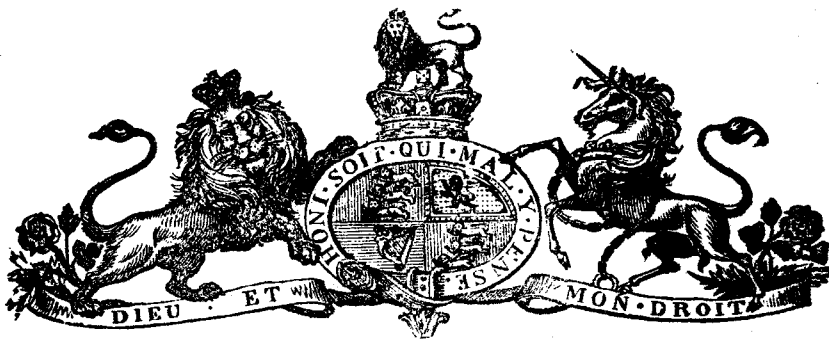


T A S M A N I A

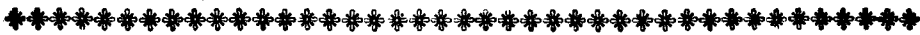


1878.

ANNO QUADRAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 7.



AN ACT to regulate the Affairs of the Presby- A.D. 1878.  
terian Church of *Tasmania*.

[9 November, 1878.]

**W**HEREAS it is expedient to provide for the regulation and PREAMBLE.  
management of the affairs of the Presbyterian Church of *Tasmania*,  
heretofore called the Church of *Scotland* :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** The Church in *Tasmania* heretofore known or called by the name  
of “The Church of *Scotland*” shall, from and after the passing of this  
Act, be called and known by the name of “The Presbyterian Church of  
*Tasmania* ;” and the Minister of every congregation now formed in  
connection with the Presbytery of the Church of *Scotland* in *Tasmania*,  
and One elder appointed by the session of every such congregation,  
shall in the first instance form the Governing Authority of the  
Presbyterian Church of *Tasmania*. Establishment of  
Governing Au-  
thority of the  
Presbyterian  
Church of *Tas-*  
*mania*.

**2** The Act of the First *Victoria*, No. 16, so far as the same relates  
to the Church of *Scotland*, is hereby repealed ; and all property vested  
in trustees for the said church elected under that Act shall upon the  
appointment of trustees, as in this Act is hereinafter provided, vest in  
such trustees and their successors for ever on behalf of the Presbyterian  
Church of *Tasmania*. 1 Vict. No. 16,  
repealed as to  
Church of  
*Scotland*.

*Presbyterian Church.*

A.D. 1878.

Trustees of  
church property.May sue and be  
sued.No person to be  
deemed a trustee  
until his appoint-  
ment shall have  
been registered.Power to Govern-  
ing Authority  
to declare the  
trusts of property  
vested in the trus-  
tees.Acts of Governing  
Authority to have  
force of law.

**3** The Governing Authority may from time to time, by act or resolution, appoint any persons to be trustees of the property of the said Church, in whom any lands, hereditaments, rights, money, goods, and chattels whatever may, from time to time, be vested for the benefit of the said Church; and the Governing Authority may at pleasure remove any such trustees or any one or more of them, and may appoint another trustee or other trustees in the room of any trustee or trustees who may die or be so removed; and after the death or removal of any such trustee or trustees all lands, hereditaments, rights, moneys, goods, and chattels whatever so vested as aforesaid shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever; and in all proceedings, as well civil as criminal, all property so vested as aforesaid shall be deemed to be, and shall in every proceeding where necessary be stated to be, the property of the persons or person appointed to such trusteeship for the time being, in their or his proper names or name without further description; and such persons or person shall, and they are hereby respectively authorised to bring or defend any action, suit, or prosecution in any Court of law or equity touching or concerning any property so vested in them as aforesaid; and such persons or person shall and may in all cases concerning such property as aforesaid sue and be sued, plead and be impleaded in any Court of law or equity, in their or his proper names or name as trustees or trustee of such property without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of any such person or his removal from the office of trustee, but the same shall and may be proceeded in by the succeeding trustees or trustee in the proper names or name of the persons or person commencing the same; and such succeeding trustees or trustee shall pay or receive like costs as if the action or suit had been commenced in their or his names or name for the benefit of, or to be reimbursed out of, the said property: Provided always that no person shall be deemed to be a trustee within the meaning of this Act until the act or resolution of the Governing Authority appointing him as trustee shall have been registered in the office of the Registrar of Deeds.

**4** All lands, hereditaments, rights, moneys, goods, and chattels whatsoever so vested in any such trustees as aforesaid shall be by them applied in such manner, and for such purposes as the Governing Authority shall from time to time direct, unless it shall have been otherwise directed by the instrument or writing by means of which any such lands, hereditaments, rights, moneys, goods, or chattels shall have become so vested, and then the same shall be by them applied in accordance with the directions contained in such instrument or writing so far as the same shall extend.

**5** It shall be lawful for the Governing Authority from time to time to enact laws, rules, and regulations for the Presbyterian Church of *Tasmania*; and all such laws, rules, and regulations, when they shall have received the sanction of two-thirds of the several congregations under the jurisdiction of the Governing Authority, shall be deemed to be incorporated with this Act, and shall be of the same force and effect as if the same were expressly enacted herein: Provided always that the same are not repugnant to this Act, or to the Confession of Faith, or the Form of Presbyterial Church Government agreed on by the Assembly of

*Presbyterian Church.*

Divines at *Westminster* in the year 1643 and approved by the Church of *Scotland*, or to the general spirit and intendment of the laws in force in this Colony. A.D. 1878.

For the purposes of this Section the sanction of such congregations shall be determined by the majority of votes of the members on the Communion Roll of each congregation present at a meeting of the congregation convened for that purpose.

**6** All Debentures or moneys secured to be paid to the Church of *Scotland* by "The State Aid Commutation Act," or any other Act of the Parliament of *Tasmania*, are by this Act secured to the Presbyterian Church of *Tasmania*; and the term "Governing Authority," for the purposes of the said "State Aid Commutation Act" as applied to the Church of *Scotland*, shall in future mean the Supreme Judicatory, however designated, of the Presbyterian Church of *Tasmania* for the time being. Debentures of said Presbyterian Church.

**7** It shall be lawful for any body or section of the Presbyterian denomination in the Colony of *Tasmania* to be admitted into union with the Presbyterian Church of *Tasmania*; and so soon as notice of such union having been effected shall have been published in the *Hobart Town Gazette*, (which notice, purporting to be signed by the Moderator of the Governing Authority, shall be conclusive evidence of the fact therein stated), all and every the lands, hereditaments, rights, moneys, goods, and chattels whatsoever of the said body and of the congregations belonging thereto, and which at the date of such union shall be held in trust for any such body and congregations, shall continue to be held by the same trustees and their successors in behalf of the same congregations under the spiritual and ecclesiastical superintendence of the said Presbyterian Church of *Tasmania*, and shall be administered in terms of and according to provisions of this Act, subject to the decisions of the said Governing Authority. Union of other Presbyterian denominations.

**8** No act or resolution of the Governing Authority shall be vitiated by reason of any informality in the mode of election, or the non-election of any member, or the absence of any members who may have been elected or summoned. No act of Governing Authority vitiated by informality in elections.

**9** In referring to this Act it shall be sufficient to use the expression "The Presbyterian Church Act." Short title.

