

I ASSENT

E. W. EVANS

Acting Governor.



BERMUDA.

1930: No. 59.

THE WESLEYAN METHODIST CHURCH (CONSOLIDATION AND AMENDMENT) ACT, 1930.

[28th July, 1930.]

WHEREAS a branch of the Wesleyan Methodist Society has been established in these Islands professing the doctrine taught by the late Reverend John Wesley, Clerk, sometime Fellow of Lincoln College, in the University of Oxford AND WHEREAS certain Acts relative to the said Society afterwards called the Wesleyan Methodist Church and latterly called the Methodist Church were passed by the Legislature of the said Islands AND WHEREAS it is expedient to consolidate and amend the provisions of such Acts:

Be it, therefore, enacted by the Governor, Legislative Council and Assembly of the Bermudas or Somers' Islands as follows:—

1. In this Act, and in any amending Act, and in any Rules or Regulations made under this Act, or any amending Act, the following expressions shall, when not inconsis-
Interpre-
tation.

tent with the context, have the meanings respectively assigned to them in this section:—

- (a) "The Wesleyan Methodist Manual" means the design, laws, rules, regulations and ordinances mentioned in this Act, for the time being in force, as set forth and contained in the official book or books wherein the same are written or printed.
- (b) "The Wesleyan Methodist Church" means the congregations and/or persons in these Islands bound by the Wesleyan Methodist Manual and shall include persons adhering to such Church in the manner provided in such Manual.
- (c) "The Synod of the Wesleyan Methodist Church" means the body comprising ministers and laymen of the Wesleyan Methodist Church residing in these Islands convened in accordance with the provisions of the Wesleyan Methodist Manual.
- (d) "Minister" means a person qualified to perform all the religious and other rites and ordinances set forth in the Wesleyan Methodist Manual and authorised to perform such rites and ordinances by the Synod of the Wesleyan Methodist Church.
- (e) "Member" means a person bound by the Wesleyan Methodist Manual and defined thereby.
- (f) "contributing member" means a member or person, defined by the Wesleyan Methodist Manual, who shall be at liberty to exercise such rights, powers and privileges conferred on such member by such Manual.
- (g) "Church or chapel" means a place wherein and/or the premises whereon the rites and ordinances set forth, contained and provided for by the Wesleyan Methodist Manual shall or may be performed.
- (h) "congregation of the church or chapel" means, subject to the express provisions of the Wesleyan

Methodist Manual, the persons for the time being residing in these Islands and admitted and enrolled as members in the membership book of a specific church or chapel.

- (i) "Official Board" means the members of the congregation of the church or chapel elected, in accordance with the provisions of the Wesleyan Methodist Manual, by such congregation of the church or chapel in respect to which it is intended such Board shall function, and this expression also shall mean the members of such churches or chapels, as shall be declared for the time being by the Wesleyan Methodist Manual as forming a circuit, elected, in accordance with the provisions of such Manual, by the congregations of such churches or chapels forming such a circuit in respect to which it is intended such Official Board shall function; this expression also shall be deemed to mean and include the Official Board of the congregation of the church or chapel and the Official Board of the congregations of the churches or chapels forming a circuit already elected for the year in which this Act comes into operation.
- (j) "The local trustees" mean the respective bodies of trustees now or hereafter holding lands and/or other property in the respective parishes in these Islands, for any of the purposes of the Wesleyan Methodist Church in these Islands and/or the Methodist Church in these Islands, whether such trustees have been duly and formally elected or not and whether such lands are legally vested in them or not, and their successors in the various trusts, the trustees to be hereafter elected in accordance with the provisions of this Act.
- (k) "The Church Acts" mean "The Wesleyan Methodist Church Act, 1880" (amended title "The

Methodist Church Act, 1880") "The Wesleyan Methodist Church Act, 1906" (amended title "The Methodist Church Act, 1906") and "The Methodist Church Act, 1923" or any one or more of them.

Who are included in congregations.

Church free from bodies it was in connection with.

Constitution of Synod.

Election of Synod.

2. The Wesleyan Methodist Church shall include in its congregations all persons in these Islands formerly belonging to the congregations defined by the Church Acts but the Wesleyan Methodist Church, its congregations and property, shall be free and independent of any Church denomination or religious body with which such congregations defined by the Church Acts were formerly in connection.

3. (1) The Ministers and laymen of the Synod of the Wesleyan Methodist Church are hereby constituted a body corporate under the name of "The Synod of the Wesleyan Methodist Church of Bermuda," with the exclusive right to use that name in these Islands and shall under that name have perpetual succession, with power to elect such officers designated by the Wesleyan Methodist Manual and to make rules and bye-laws governing its meetings and also with power to sue and liability to be sued in all Courts of law and equity, and to have a common seal, with power to renew, vary, or change the same at pleasure. The Ministers and laymen constituting that body of the Methodist Church known as "The District Meeting" at the time this Act shall come into operation shall be the Synod of the Wesleyan Methodist Church until the election of such Synod under the provisions of this Act.

(2) Each Official Board shall once in every year or at such time or times as the circumstances may require, in accordance with the provisions of the Wesleyan Methodist Manual, elect or appoint, from its members, one layman as a member of the Synod of the Wesleyan Methodist Church, and on every such election or appointment every such layman shall become and remain a member of the body corporate constituted by sub-section (1) of this section of this Act until his successor is elected or appointed in manner aforesaid.

(3) No minister for the time being a member of the Synod of the Wesleyan Methodist Church shall vote on any question relating to the subject matter of sub-section (1) of Section 13 of this Act.

4. All lands, hereditaments and real estate, which have at any time heretofore been lawfully conveyed, devised, granted, or assured in trust for the purposes of the Wesleyan Methodist Church in these Islands or the Methodist Church in these Islands under the provisions of the Church Acts or otherwise or vested in the local trustees by the provisions of the Church Acts or otherwise and which at the time of the passing of this Act shall be in the actual possession of any persons as trustees for the use of the said Church or either of them, shall, notwithstanding any irregularity in the mode of appointing or electing such persons, or any of them, as trustees, or the defect or want of proper deeds or assurances for continuing the trusts, or for vesting from time to time such lands, hereditaments, and real estate in the new or succeeding trustees, or in the present or acting trustees, or persons acting as such, or any irregularity or defect in any such deeds or assurances, be deemed to be lawfully vested in such present or acting trustees upon the trusts and for the purposes on or for which such lands, hereditaments, and real estate were originally conveyed, devised, granted, or assured, and such present or acting trustees shall be deemed to be lawfully possessed of such lands, hereditaments and real estate, in like manner and to the same extent as if such trustees had been duly and regularly elected and appointed, and as if the trusts had been from time to time duly and regularly continued, by proper deeds sufficient in law to vest the said lands, hereditaments, and real estate in the new and succeeding trustees and in the present or acting trustees, and such lands, hereditaments, and real estate shall continue vested in such trustees and their successors in the trusts duly elected or appointed as bodies corporate under the provisions of this Act, and with the powers hereinafter contained.

Lands held in trust to be deemed lawfully vested notwithstanding defects.

Incorporation of trustees of property.

Powers of trustees.

5. (1) The local trustees of any church or chapel, school house or minister's residence, or land held in trust for any such purposes or for the purposes of a burial ground or any other purposes of the Wesleyan Methodist Church, and all persons hereafter to be elected or appointed to succeed them in the trust shall be a body corporate with perpetual succession under the style or title of "The Wesleyan Methodist Trustees of (name of parish) Parish," and the local trustees shall have power under their corporate name to accept purchase take hold and possess by gifts purchase devise or otherwise for the purposes of the trust attaching to such property all real property in the parish in or for which they are trustees vested or which shall be vested in them, but such trustees shall not be capable of holding real property exceeding in the annual value in either of the parishes of Pembroke or Saint George £10,000 or in either of the other parishes £5,000, and such trustees shall have power to let lease and otherwise appropriate such property in accordance with and for the purposes of the trusts attaching thereto, and to accept take hold and possess all personal property which shall be given bequeathed or transferred to them for the purposes of the trusts attaching thereto.

Governor-in-Council may permit trustees to acquire property in parishes other than theirs. If permission is not asked for or refused trustees must sell. Application of sale moneys.

(2) If and whenever any real property is given or devised to any local trustees in a parish in which such local trustees do not function under the provisions of this Act, such local trustees may apply, within twelve calendar months computed from the time such local trustees shall be entitled to the possession of such real property, to the Governor-in-Council for permission to hold such real property, or, shall sell, if such permission shall not be applied for in manner aforesaid or shall be refused by the Governor-in-Council, such real property so given or devised within twelve calendar months computed in manner aforesaid; and all moneys received from such sale shall be applied by such local trustees in the manner declared by the trusts of such real property if the circumstances shall permit.

(3) Whenever there is or shall be only one body of local trustees in any parish in these Islands its corporate name shall be "The Wesleyan Methodist Trustees of (name of parish) Parish," and whenever there is or shall be more than one body of local trustees in any parish in these Islands their respective corporate names shall be "The Wesleyan Methodist Trustees of (name of parish) Parish, Body No. 1," "The Wesleyan Methodist Trustees of (name of parish) Parish, Body No. 2," and so on with consecutive numbering according to the order in which the respective trusts in that parish were created.

Designation of trustees when more than one body in a parish.

(4) A person, being one of the local trustees, who:—

When persons shall cease to be trustees.

(a) Shall not be, or shall hereafter cease to be, a member of the congregation of the Wesleyan Methodist Church by expulsion under the rules and regulations of such Church or otherwise, or,

(b) Shall be, or shall hereafter be in connection with any other religious body, denomination, sect or society, or,

(c) Shall be absent from these Islands for at least one year, or,

(d) Shall absent himself from six consecutive meetings of the local trustees after receiving notice of such meetings,

shall cease to be a trustee upon a notice in writing to that effect, signed by the majority of the other persons comprising the local trustees of which such person is a trustee or member, being posted in a prepaid registered envelope or cover addressed to such person at his last known place of abode in these Islands.

(5) A person, being one of the local trustees, may be permitted to resign his trusteeship, unless the number of the local trustees shall be less than six trustees, by the other persons comprising the local trustees of which such person is a trustee or member.

Resignation of trusteeship.

Election of trustee in substitution for another trustee.

(6) Whenever a person, being a local trustee, shall cease, in any manner whatsoever, to be a local trustee, as soon as conveniently may be thereafter, in the absence of any express provisions of the Wesleyan Methodist Manual, the congregation of the Church or chapel, entitled to the benefits of the trust of which such person was a local trustee, shall elect and appoint, from such congregation, a person as a new trustee in substitution for such person who shall have ceased to be a local trustee.

Number of trustees of a local body.

(7) A body of local trustees may be increased by election in manner aforesaid to any number not exceeding twenty-one trustees in all.

Property given for support of ministry to vest in trustees.

6. Any real or personal property or moneys which shall have been devised or bequeathed or which shall have been vested in the local trustees under the provisions of the Church Acts or any of them or which shall be hereafter devised or bequeathed for the support of the ministry or of any minister of the Wesleyan Methodist Church exercising the duties of the ministry in any circuit in these Islands or other purposes connected with such support, shall vest in the local trustees, and the rents, issues and profits thereof shall be payable by them to the recording steward of the circuit or other person designated by the Wesleyan Methodist Manual for the time being for the use of the minister or ministers or other purposes to which the same are applicable.

Local trustees power to sell, etc. trust real estate.

7. The local trustees shall have power in their corporate capacity and name to sell exchange mortgage or otherwise dispose of any real property vested in them freed and absolutely discharged of the trusts attaching thereto, and shall hold and use all real property and all moneys obtained by means of any such sale exchange mortgage or other disposition of any such trust property in trust for the benefit of the Wesleyan Methodist Church, to be applied and appropriated as the congregation of the Church or chapel entitled to the benefits of such trust shall think fit; but no person paying or advancing any moneys to or effecting any exchange with

any such trustees shall be in any way bound or concerned to see to the application of any such money or other property paid advanced or transferred to any such trustees: provided, that nothing in this Act contained shall be construed to take away or prejudice any right of the Corporation of the City of Hamilton under or by reason of anything contained in any grant or deed of the said Corporation.

Reserva-
tion of
Rights of
Corpora-
tion of
Hamilton.

8. Every deed, conveyance, mortgage, lease or other assurance of any real property purporting to be the deed or assurance of any local trustees, and executed by a majority of the persons who by the record book hereinafter mentioned appear to be the local trustees for the time being, shall be valid sufficient and effectual to convey to the purchaser, mortgagee, lessee, or other person to whom the same shall be made, the property vested in the trustees and described therein for such estates as shall be thereby limited or declared and freed and absolutely discharged from the trust attaching thereto, in favour of the Wesleyan Methodist Church or otherwise inconsistent with the absolute use and enjoyment of the estate by such assurances purporting to be conveyed or assured: provided that nothing in this Act shall empower any trustees to sell charge mortgage demise or otherwise dispose of any burial grounds or lands which shall have been used for burial purposes without the previous consent of the majority of the congregation of the church or chapel entitled to the benefits of the trusts in respect thereto.

How deeds
are to be
executed.

Property
conveyed
to be
freed from
trust.

No aliena-
tion of
burial
grounds.

9. In every case the local trustees shall keep a record-book in which shall be duly and at all times entered the appointments or elections of trustees, and the names of the local trustees, for the time being; and such books shall in all Courts and for all purposes, (except in any proceedings concerning the validity of the election or appointment of any future trustee), be conclusive evidence of the due appointment of the trustees and of their title to the trust property:

Election of
trustees
to be kept
in record
book
which book
shall be con-
clusive evi-
dence of
trustees'
names.

But nothing in this Act shall be construed to deprive any

person of any land or other real estate or any estate or interest therein to which but for this Act he would be entitled, otherwise than on account of the validity of the appointment or election of any trustee or trustees, or for want of the trust having been legally continued from time to time by proper deeds and assurances.

Local trustees may sue and be sued under their corporate name.

10. The Synod and the local trustees respectively shall be capable of contracting and suing, and shall be liable to be sued, in their corporate capacity, and by their corporate names, in any Court of law or equity, and in any suit action prosecution or proceeding criminal or civil by or against the Synod or trustees it shall be sufficient to describe them by their corporate name; and no such suit, action, prosecution or proceeding by or against such Synod or trustees shall abate or be affected by reason of any death resignation removal or incapacity of any member or members trustee or trustees pending the same.

Synod's power to adopt Wesleyan Methodist Manual and vary the same.

11. (a) The Synod shall have power to compile and/or adopt a design, discipline, laws, rules, ordinances and regulations which the Synod finds are not inconsistent with the doctrine of the Wesleyan Methodist Church for the governing of the said Church and its ministers for the time being, with power to vary or alter the said design, discipline, laws, rules and regulations from time to time or to compile and adopt a new design, discipline, laws, rules and regulations in place thereof: Provided that a copy of every design, discipline, laws, rules and regulations and every variation or alteration thereof shall be transmitted in writing and under the seal of the Synod to every Official Board in these Islands before the same shall come into operation.

Wesleyan Methodist Manual and variations of same binding on members and congregations and enforced.

(b) Every such design, discipline, laws, rules, ordinances and regulations compiled as aforesaid and every variation and alteration thereof which shall be compiled and adopted in manner by this section provided shall be deemed to be binding on the members or congregations for the time being of the Wesleyan Methodist Church in the same manner as if such members and congregations had mutually contracted and agreed to abide by and observe the same, and shall be capable of being enforced in all Courts of law and equity in

relation to any property in the same manner and to the same extent, as if such property had been expressly, granted or conveyed upon trust to be held occupied and enjoyed by persons who should observe and keep, and be in all respects bound by the said design, discipline, laws, rules, ordinances and regulations.

(c) Before every such design, discipline, laws, rules, ordinances and regulations compiled as aforesaid and every variation, alteration or rescission thereof shall be adopted by the Synod of the Wesleyan Methodist Church such Synod shall transmit the same in writing to every Official Board in these Islands and every Official Board shall, within one calendar month after the receipt of the same from such Synod, convene a meeting of the congregation of every church or chapel in respect to which such Official Board functions and at which meeting or an adjournment thereof such congregation shall vote on each and every matter transmitted by such Synod as aforesaid and within two calendar months after the receipt of such matter transmitted as aforesaid every Official Board shall inform such Synod in writing the number of votes given or cast for and against every such matter.

Submis-
sion of
Wesleyan
Methodist
Manual and
variations
to Official
Boards
which
shall call
congre-
gational
meetings to
vote on
matters.

Official
Boards to
inform
Synod of
result of
vote.

(d) Notice of every meeting convened under the provisions of the last preceding sub-section of this section of this Act shall be posted in some conspicuous place in every church or chapel by the Official Board of such Church or chapel for at least three weeks and read at the morning, afternoon or evening service held on three Sundays preceding such meeting, briefly stating the business to be transacted.

Notices of
congre-
gational
meetings
to be posted
in churches
and read
at services.

(e) Every design, discipline, laws, rules, ordinances and regulations and every variation, alteration or rescission thereof shall not be adopted by the Synod of the Wesleyan Methodist Church unless a majority of Three-fourths of the members of the Wesleyan Methodist Church residing in these Islands, present at the meetings provided for in sub-sections (c) and (d) of this Section of this Act and voting, shall be in favour of such adoption.

Three-
fourths ma-
jority vote
required on
Manual and
variations
thereof.

(f) Should any Official Board neglect or refuse to convene any such meeting of any congregation of any church

or chapel in respect to which such Official Board functions or should such congregation neglect or refuse to attend any such meeting any such neglect or refusal by such Official Board or such congregation shall not in any way affect the validity of anything done under the provisions of all or any of the subsections of this section of this Act.

Wesleyan
Methodist
Manual.

(g) Every design, discipline, laws, rules, ordinances and regulations and the variations, alterations and recissions thereof for the time being in force shall be known as "The Wesleyan Methodist Manual."

No altera-
tions of
doctrines of
Church.

Provided that nothing in this enactment shall be construed to alter or vary or to sanction the alteration of the doctrines of the Wesleyan Methodist Church for the maintenance and promulgation of which any property has been or shall be conveyed to the local trustees, as defined or declared by any deed grant devise or assurance under which such property has been or shall be acquired or is held.

Act not to af-
fect deeds,
acts or
rights prior
to pass-
ing of
this Act.

12. Nothing in this Act contained shall affect the validity of any conveyance, deed or act executed or done, or any right acquired, or any liability incurred, under or by virtue of the provisions of the said Church Acts or any of them, prior to the passing of this Act, and with reference to any such conveyance, deed or act, or any such right or liability, the said Act shall be read and construed as if it had not been altered in the manner authorised by this Act.

Power of
Synod to
contract
with
Church
or denomi-
nation in
substan-
tial agree-
ment with
Wesleyan
Methodist
for the
supply of
ministers.

13. (1) The Synod shall have power from time to time to arrange and/or contract with any Church or denomination, the doctrines of which the Synod finds to be in substantial agreement with the doctrines of the Wesleyan Methodist Church as declared by the twenty-five articles of the late Reverend John Wesley, M.A., for the supply of ministers and carrying out the objects and purposes of the Wesleyan Methodist Church in these Islands upon such terms and conditions as the Synod shall deem fit but all such ministers shall be bound by the provisions of section 11 of this Act as shall be for the time being in force in the same manner as if such ministers were members of the Wesleyan Methodist Church.

(2) Before every such arrangement and/or contract and every variation, alteration or rescission thereof shall be adopted by the Synod of the Wesleyan Methodist Church such Synod shall transmit the same in writing to every Official Board in these Islands and every Official Board shall, within one calendar month after the receipt of the same from such Synod, convene a meeting of the congregation of every church or chapel in respect to which such Official Board functions and at which meeting or an adjournment thereof such congregation shall vote on each and every matter transmitted by such Synod as aforesaid and within two calendar months after the receipt of such matter transmitted as aforesaid each Official Board shall inform such Synod the number of votes given or cast for and against every such matter.

Synod to submit contract to Official Boards, which shall convene congregational meetings to vote on matter.

Official Boards to inform Synod of result of vote.

(3) Notice of every meeting convened under the provisions of the last preceding sub-section of this section of this Act shall be posted in some conspicuous place in every church or chapel by the Official Board of such Church or chapel for at least three weeks and read at the morning, afternoon or evening service held on three Sundays preceding such meeting, briefly stating the business to be transacted.

Notices of congregational to be posted in Churches and read at services.

(4) Every arrangement and/or contract and every variation, alteration or rescission thereof shall not be made by the Synod of the Wesleyan Methodist Church unless a majority of Three-fourths of the members of the Wesleyan Methodist Church residing in these Islands, present at the meetings provided for in sub-sections (2) and (3) of this Section of this Act and voting, shall be in favour of such adoption.

Three-fourths majority vote required on contract, etc.

(5) Should any Official Board neglect or refuse to convene any such meeting of any congregation of any church or chapel in respect to which such Official Board functions or should such congregation neglect or refuse to attend any such meeting any such neglect or refusal by such Official Board or such congregation shall not in any way affect the validity of anything done under the provisions of all or any of the sub-sections of this section of this Act.

Copies of contract, etc. to be sent by Synod to Official Boards before coming into operation.

(6) A copy of every arrangement and/or contract and every variation, alteration or rescission thereof shall be transmitted in writing and under the seal of the Synod to every Official Board before the same shall come into operation.

Who are Wesleyan Methodist ministers.

(7) Every person now performing the duties of a minister of the Wesleyan Methodist Church in these Islands and every person who shall hereafter be certified by the Synod to be capable of performing the duties of a minister of the said Church, shall be deemed to be a minister of the said Church during the pleasure of the Synod.

No Churches, denominations, or ministers to have interest in Church property.

(8) Notwithstanding anything in this Act, or in the said Church Acts or any of them, contained, no Church or denomination with which the Wesleyan Methodist Church in these Islands or the Methodist Church in these Islands has heretofore been connected and no Church or denomination mentioned in sub-section (1) of this section and no minister mentioned in sub-sections (1) and (7) of this section, shall have any estate, interest or right in respect to the real and personal properties of the Wesleyan Methodist Church in these Islands.

When Act to come into operation.

14. This Act shall commence and come into operation on the date the same shall receive the assent of His Excellency the Governor of these Islands and from and after that date the Church Acts shall be repealed.

Saving Crown and other rights.

15. Nothing in this Act contained shall be construed to affect the rights of His Majesty, his heirs and successors, or of any body politic or corporate, or of any other person or persons except such as are mentioned in this Act, and those claiming by, from or under them.