

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 5 of 1928.

AN ORDINANCE

Relating to Methodist Church Properties.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows:—

1. This Ordinance may be cited as the *Methodist Church Property Ordinance 1928*. Short title.
2. This Ordinance shall be incorporated and read as one with the Methodist Church Property Acts. Incorporation.
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “ Land ” includes any estate or interest in land (legal or equitable) and any easement, right, power or privilege over, in or in connection with land;
 - “ Lease ” includes a sub-lease;
 - “ Methodist Church Property Acts ” means the Methodist Church Property Acts, 1889-1902 of the State of New South Wales in their application to the Territory;
 - “ Model Deed ” means The Methodist Model Deed of New South Wales, and includes any duly authorised alteration or modification thereof;
 - “ Real Property Ordinance ” means the *Real Property Ordinance 1925-1927*;
 - “ Registrar of Titles ” means the Registrar of Titles appointed under the Real Property Ordinance, and any expression used in this Ordinance shall have the same meaning as in the Methodist Church Property Acts.
4. The Registrar of Titles shall keep in safe custody and for reference a printed copy of the Model Deed certified by the Custodian of Deeds, when that copy is presented or tendered to him for that purpose by or on behalf of the President for the time being of the Annual Conference of the Methodist Church of Australasia in New South Wales. Enrolment of Model Deed.

Registration of
Crown leases
subject to
Model Deed.

5. Where, whether before or after the commencement of this Ordinance, a lease of any land is granted by or in the name of the Commonwealth or the Federal Capital Commission, subject to the provisions of the Model Deed, the lease shall be held upon the trusts and subject to the provisions of the Model Deed, and the Registrar of Titles shall register the lease in the names of the lessees therein mentioned subject to the provisions of the Model Deed.

Registration of
transfer of
Church lands.

6. Where any land, which, whether before or after the commencement of this Ordinance, is granted or transferred upon the trusts and subject to the provisions of the Model Deed, is held under the Real Property Ordinance, the Registrar of Titles may register the grant or transfer, and may issue a certificate of title in the names of the transferees therein mentioned, or any subsequent trustees of the lands, subject to the provisions of the Model Deed.

Exercise of
power and
functions under
Model Deed
subject to laws
of Territory.

7. The exercise or performance of any power, function or duty conferred or imposed by the Model Deed shall be subject to the laws of the Territory for the time being in force.

Transfer &c.
executed by
majority
sufficient.

8. Where any sale, mortgage, exchange or lease of any Church lands is made in pursuance of and in conformity with the trusts of the Model Deed, if the lands are held under the Real Property Ordinance, the transfer, mortgage, exchange or lease thereof, and all other necessary documents shall be as effectual if signed by a majority of the trustees for the time being of those Church lands named in the Register of Trustees as if the transfer, mortgage, exchange or lease, or other document had been duly signed by all the trustees or registered proprietors thereof;

Provided that the trustees signing any such transfer, conveyance, mortgage, exchange, lease or other document shall be not less than three in number:

Provided also that any trustee absent from the Territory may join in, make and execute any such transfer, mortgage, exchange, lease or other document by his attorney duly appointed by him in that behalf.

New trustees
entitled to
become
proprietors and
to have
certificates of
title issued to
them without
transfer.

9.—(1.) The trustees for the time being appearing by the Register of Trustees to be the trustees of any Church lands under the Real Property Ordinance, shall be entitled to be entered or registered in the Register Book kept under the provisions of that Ordinance, as the proprietors thereof within the meaning of that Ordinance without any formal transfer, and to have a certificate of title issued to them or in their names as those proprietors but subject to the Model Deed and to any subsisting mortgage, lien, encumbrance or lease.

(2.) The trustees shall be deemed and taken to be duly entered or registered in pursuance of this section, when a memorial of their appointment has been entered in the Register Book upon the folium constituted by the existing grant or certificate of title of the land or endorsed on any other instrument evidencing title to the land.

10. The entries in the Register of Trustees authorised by the Methodist Church Property Acts to be made therein, when authenticated by the signature of the Custodian of Deeds or the Acting Custodian of Deeds for the time being, and any extract purporting to be an extract from the Register of Trustees in accordance with the form in the Second Schedule to the Wesleyan Methodist Church Property Trust Act, 1889 of the State of New South Wales, certified under the hand of the Custodian of Deeds or Acting Custodian of Deeds, shall be received and taken, in all dealings with Church lands before the Registrar of Titles and on all occasions whatsoever as sufficient evidence of the several extracted matters comprised in the extract, so far as they may relate to any particular Church lands, without the production of the Register of Trustees.

Register of Trustees and certificate of Custodian of Deeds sufficient evidence.

11. A copy of the notification (published in the New South Wales Government *Gazette* by the President for the time being of the Annual Conference of the Methodist Church of Australasia in New South Wales) of the appointment of the Custodian of Deeds or of an Acting Custodian of Deeds, signed by the President for the time being of the Conference, shall be lodged with the Registrar of Titles and kept by him in safe custody and for reference.

Copy of notification in New South Wales Government *Gazette* of appointment of Custodian of Deeds and Acting Custodian of Deeds to be lodged with Registrar of Titles.

Dated this twenty-ninth day of February, One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency's Command,

C. W. C. MARR

Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.