

1799.

Mr. McNab.

PRESBYTERIAN CHURCH OF NEW ZEALAND.

[PRIVATE BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Synod of Presbyterian Church of Otago and Southland to exist on same basis as to trusts and management and administration of property.</p>	<p>3. Union not to affect property or trusts of Presbyterian Church of Otago and Southland. 4. Union not to affect property belonging to congregations of either Church. 5. Words "General Assembly" in "The Presbyterian Church Property Act, 1885," to mean General Assembly of united Church.</p>
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A BILL INTITULED

AN ACT to make certain Provisions in reference to the Presbyterian Church of Otago and Southland, and the Presbyterian Church of New Zealand, respectively, and to Define the Rights in respect of the Property of such Churches, and for other Purposes.

WHEREAS "The Presbyterian Church of Otago and Southland," referred to in "The Presbyterian Church of Otago Lands Act, 1866," and the other Acts amending the same, and the several Ordinances of the late Provincial Council of Otago relating to such Church, and "The Presbyterian Church of New Zealand," referred to in "The Presbyterian Church Property Act, 1885," have agreed to unite and to form one body or denomination of Christians under the name of "The Presbyterian Church of New Zealand": And whereas the Synod of the Presbyterian Church of Otago and Southland is the highest Church Court of and represents the Church referred to in the said Act of the year one thousand eight hundred and sixty-six and amending Acts, and the said Ordinances, and the General Assembly of the Presbyterian Church of New Zealand is the highest Court of and represents such Church: And whereas the said Churches, by an agreement signed by the Moderator of the said Synod and the Moderator of the said General Assembly, have agreed to unite upon certain terms, ~~and such agreement is set out in the Schedule hereto~~: And whereas, in order to remove any doubt as to the effect of such union on the property or rights of such respective Churches, and for other purposes, it is desirable to make provision in manner hereinafter appearing:

No. 2 (Private)—2.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Presbyterian Church of New Zealand Act, 1901." 5

Synod of Presbyterian Church of Otago and Southland to exist on same basis as to trusts and management and administration of property.

2. For the purpose of carrying out and giving effect to the various powers, trusts, and provisions relating to the property now or which may hereafter be vested in or held by or on behalf of the Otago Presbyterian Church Board of Property, or the Presbyterian Church of Otago and Southland, exercisable under any Act or Ordinances by the said Synod of the Presbyterian Church of Otago and Southland, such Synod shall continue on the same basis as it existed prior to the said union, and in regard to the management or administration of such property shall, notwithstanding such union, continue to have all the powers, rights, and privileges now or hereafter possessed by or vested in such Synod under any Act, Ordinances, regulation, or otherwise, with supreme authority in such matters. 10 15

Union not to affect property or trusts of Presbyterian Church of Otago and Southland.

3. Neither the said union nor anything contained in this Act shall in any wise affect the property referred to in the last preceding section, or the trusts affecting the same, and such property shall continue ~~for all time~~ to be held exclusively for the purposes and by or on behalf of the persons respectively now or for the time being entitled thereto in the Provincial District of Otago, and all the rents and income from such property, or any proceeds therefrom, shall be held or applied for the purposes and by or on behalf of such parties respectively, in accordance with the trusts or provisions for the time being affecting the same respectively; and for the purposes aforesaid, the persons, bodies of persons corporate or otherwise, and Church Courts for the time being in the Provincial District of Otago, and forming part of or connected with the said united Church, shall have, enjoy, and exercise the same rights, interests, and powers, and be subject to the same duties and responsibilities, in relation to the said property and the income thereof as the persons, bodies of persons, Church Courts constituting or connected with the said Presbyterian Church of Otago and Southland, respectively, had enjoyed, exercised, and were subject to before the said union; and in the construction of the statutory provisions relating to the qualification and appointment of new Trustees the name of the said united Church, that is to say, the Presbyterian Church of New Zealand, shall be substituted for that of the Presbyterian Church of Otago and Southland. 20 25 30 35 40

Union not to affect property belonging to congregations of either Church.

4. Neither the said union nor anything contained in this Act shall be deemed to affect the law or the trusts relating to property belonging for the time being to congregations connected with either of the said uniting Churches; but where in any deed declaring the trusts, similar to those contained in a trust deed affecting a property belonging to any congregation connected with either of the said uniting Churches, reference is made to such Church, such reference after the said union shall be read as meaning the Presbyterian Church of New Zealand, united as aforesaid. 45 50

5. On and after the said union taking effect, the words "General Assembly," or any similar expression in "The Presbyterian Church Property Act, 1885," shall mean the said General Assembly of the said united Church.

Words "General Assembly" in "The Presbyterian Church Property Act, 1885," to mean General Assembly of united Church.

Struck out.

SCHEDULE.

Schedule.

THIS AGREEMENT, made the thirtieth day of April, one thousand nine hundred and one, between the Presbyterian Church of Otago and Southland of the one part, and the Presbyterian Church of New Zealand of the other part, witnesseth: That the said two Churches hereby agree to become and be united as one Church upon the terms expressed in the following Articles, that is to say:—

Article 1. That the united Church shall include and consist of the Presbyterian Church of New Zealand, as existing previously to the union, and of the Presbyterian Church of Otago and Southland, as existing previously to the union, and that the name of the united Church shall be "The Presbyterian Church of New Zealand."

Article 2. That the doctrinal basis of the said Presbyterian Church of New Zealand shall be the Holy Scriptures of the Old and New Testaments as the supreme standard and the only rule of faith and practice, and the Westminster Confession of Faith, and Larger and Shorter Catechism, as interpreted by the Declaratory Act, as subordinate standards, with liberty of opinion in regard to marriage with a deceased wife's sister.

Article 3. The united Church shall be governed by Sessions, Presbyteries, and a General Assembly designated "The General Assembly of the Presbyterian Church of New Zealand," in which all the ministers of the Church and an elder from each Session shall have the right to be present and take full part in the business, but the right to vote shall be limited to the representative ministers and elders, who shall be appointed by the Presbyteries in the proportion of one-half of the numbers on their rolls. But, inasmuch as the Synod of Otago and Southland owns and administers trust property and funds, these shall remain its own exclusive property, and it shall continue in full possession of all the rights pertaining to it in this respect: retaining its separate name and existence as a Church Court, and having supreme authority in all matters connected with its trust funds, and having also authority to exercise the ecclesiastical functions of a provincial Synod, such as belong to the Synods of the Free Church of Scotland, subordinate to the General Assembly.

Article 4. That the first meeting of the Assembly shall be held in Dunedin, and the Assembly shall itself determine and fix the next place of meeting from year to year; but ordinarily the Assembly shall meet alternately at Wellington and Dunedin.

Article 5. That, in order to secure a satisfactory attendance at the General Assembly, the representative ministers and elders appointed in accordance with the provisions of Article 3 shall have their travelling-expenses to and from the General Assembly paid out of the Assembly's Expenses Fund.

Article 6. That, until the methods of ministerial support at present existing in the two Churches respectively can be unified, the Sustentation Fund shall be maintained where and to the extent to which it at present exists.

Article 7. That, considering the difficulties attendant on an immediate unification of the financial methods hitherto in use, the General Assembly shall at first recognise: (1) The Sustentation Fund scheme, and Church Extension Fund, as at present in operation in the Church of Otago and Southland; (2) the Church Extension scheme (which is for the double purpose of sustentation and extension) of the northern Church as now administered, it being understood that the General Assembly shall address itself without delay to gradually effect a uniform scheme for the support of the ministry and Church extension; and (3), meanwhile, these funds shall be administered separately by Committees of the General Assembly of the united Church in terms of their respective regulations; and, until the funds of the two Churches are amalgamated, the Committee shall have power to amend the regulations, if necessary, subject to the approval of the General Assembly.

Article 8. That the Missionary Funds of the two Churches shall be amalgamated and devoted to the support of the missions which are now being carried on by the respective Churches.

Article 9. (1.) That, while aiming at an amalgamation of the Widows' and Orphans' Funds, and of the Aged and Infirm Ministers' Fund, at as early a date as possible, yet, having respect to the duty of administering these funds on sound financial principles, it is agreed that the respective funds in each Church shall be kept distinct; widows, orphans, and ministers have claims only on the fund where-with they were connected at the date of the union. (2.) That after the union, and until further arrangements are made, ministers shall connect themselves with the fund to which they belong territorially, and the funds shall be administered separately by a Committee of the united Church in terms of present regulations; and, until the funds of the two Churches are amalgamated, the Committee shall have power to amend the regulations, if necessary, subject to the approval of the General Assembly.

Article 10. That Dunedin shall be the seat of the Theological Hall.

Article 11. That while the appointment and removal of Theological Professors must remain with the Synod of Otago and Southland in terms of the Act, 1866, yet inasmuch as such appointments and removals are of the highest importance to the whole Church, it is necessary that the Synod and Assembly should act harmoniously in this matter, and that, therefore, prior to any appointment or removal being made by the Synod, the mind of the General Assembly shall be ascertained.

Article 12. That the Barrier Act shall apply to all proposals for fresh legislation.

In witness whereof these presents have been executed, by or on behalf of the parties hereto, the day and year first before written.

JACOB URWIN SPENCE,
Moderator of the Synod of the Presbyterian Church of Otago
and Southland, for and on behalf of such Church.

Witness to the signature of Jacob Urwin Spence—T. K. SIDEX, Solicitor,
Dunedin.

JAMES KENNEDY ELLIOTT,
Moderator of the General Assembly of the Presbyterian Church
of New Zealand, for and on behalf of such Church.

Witness to the signature of James Kennedy Elliott—JAMES PATERSON, Minister
of the Gospel, Wellington.