

## **APPENDIX 2**

### **THE METHODIST CHURCH IN IRELAND ACT, 1915 (5 & 6 Geo. V., Cap. XLVI.).**

#### **An Act**

To constitute and incorporate the TRUSTEES of the METHODIST CHURCH IN IRELAND and to vest in them certain trust properties for the said Church and to provide for the administration of those properties and for other purposes connected therewith.

[2<sup>nd</sup> July, 1915.]

#### **PREAMBLE-**

#### **MAY IT THEREFORE PLEASE YOUR MAJESTY**

That it may Be Enacted And Be It Enacted by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):-

1. This Act may be cited for all purposes as "The Methodist Church in Ireland Act, 1915."
2. The following words shall have the meaning hereby assigned to them unless there be something in the subject matter or context repugnant to such meaning:-

The words "the Church" mean the Religious Body formed by the Union of the several Societies in Ireland of the people called Methodists in the connection established by the late Reverend John Wesley collectively known as the Wesleyan Methodist Society in Ireland with the Primitive Wesleyan Methodist Society of Ireland and such other persons and Societies as have since adhered thereto or united therewith or may hereafter adhere thereto or unite therewith;

The words "The Conference" and the word "Conference" mean the yearly Conference of the Church composed of Ministers and Lay Representatives in accordance with the constitution thereof for the time being defined by the laws and constitution of the said Conference;

The words "Member" and "Member of Society" mean a person who is duly enrolled as such;

The word "Circuit" means an area defined as such by the Conference including the Chapel or Chapels therein and constituting the charge of a Minister appointed by the Conference as Superintendent thereof;

The word "Society" means the aggregate of Members in any locality who are subject to the oversight of a Leaders' meeting in accordance with the constitution of such meeting for the time being defined by the Conference.

3. The following persons namely:—

The Reverends James Murdock Alley, Samuel Thomas Boyd, William Robert Budd, Joseph William Robert Campbell, Richard Lee Cole, William Corrigan, William Crawford, Henry Evans, Frederick Edward Harte, Robert Mowbray Ker, James Kirkwood, William Benjamin Lumley, William John Finlay Maguire, John Oliver Park, James Wilson Parkhill, John Charles Robertson, George William Thompson, and George Ryles Wedgwood; and

Robert Newton Anderson, Richard Wilson Booth, Alexander Crawford Browne, James Robertson Coade, Alexander Moffatt Fullerton, George Hammond Fulton, George Hadden, William John Jefferson, David Johnson Lindsay, Albert Victor McCormick, Robert Brown McMullen, Claude Cochrane Mercier, Samuel Turpin Mercier, Alfred Charles Reilly, Philip Brown Robinson, John Hanan Thompson, Sir William John Thompson, and Sir William Whitla;

and their successors appointed as hereinafter expressed shall be the Trustees of the Church for the purposes of this Act and are in this Act referred to as “The Trustees.” The Trustees shall be a body corporate under the name of “The Trustees of the Methodist Church in Ireland” with perpetual succession and a common seal and with a capacity notwithstanding the Statutes of Mortmain to acquire and hold land to such an extent as is provided by this Act but not further or otherwise and may sue and be sued under that name.

4. 1. Upon the passing of this Act all property of every kind whatsoever and wheresoever situated (including land conveyed by way of mortgage or securing money) which is subject to the trusts of any of the Deeds in the Schedules to this Act set forth or which is vested in or is in the custody or control of any person or persons purporting to act as Trustee or Trustees of any of the said Deeds or as Statutory Trustee or Statutory Trustees and whether or not such person or persons shall have been validly appointed Trustee or Trustees and whether or not such person or persons had power to accept or take over such property shall by virtue of this Act and without any further or other assurance vested in the Trustees subject to the trusts affecting the same and to the directions and powers hereinafter contained. Provided that this Section shall not extend to any share stock annuity or property which is not transferable by deed or is only transferable in books kept by a Company or other body or in manner directed by or under any Act of Parliament but such stock share annuity or property shall be transferred as soon as conveniently may be to the Trustees.
  2. The words “the Irish Conference” and “the Conference in Ireland” wherever they occur in the said Deeds or any of them shall be construed as meaning the Conference as defined by this Act.
  3. In place of the stamp duties payable in respect of the vesting effected by this Section there shall be levied and raised for the use of His Majesty a stamp duty of five pounds which shall be impressed upon a King’s Printer’s copy of this Act, and the Trustees shall produce the stamped copy to the Commissioners of Inland Revenue within six months after the passing of this Act.
5. The Trustees shall have power to hold and receive lands, moneys or other property which shall from time to time be given, devised, bequeathed, conveyed, assigned, transferred or

otherwise assured to them to be applied by them in accordance with the trusts declared in reference thereto or otherwise affecting the same and the Trustees shall have power to act as custodian Trustees of the lands, moneys and other property for the time being vested in or belonging to the several trusts and funds connected with the Church or any of them as the Conference may direct and the Trustees as such custodian Trustees shall hold any real leasehold or personal estate as to or upon which any trust charge or obligation has been or shall be created or imposed by the donors or testators thereof or which shall be at the time of assurance or transfer to the Trustees affect the same respectively upon and subject to the trust charge or obligation so created or imposed as to or upon or affecting the same respectively and so far as no such special trust charge or obligation shall extend then upon such trusts and for such purposes as the Conference or any Committee to which the Conference may from time to time delegate or entrust its powers in this behalf shall from time to time by resolution or otherwise direct. Trustees or personal representatives in whom any property shall be vested in trust for any purpose or charity connected with the Church and who shall transfer such property to the Trustees as custodian Trustees shall thereby obtain a good discharge for the corpus of the Trust property so transferred.

6. It shall be lawful for the Trustees if they shall think fit to accept or take a transfer of any gift or bequest of personal property given or bequeathed or to be given or bequeathed for the endowment or use or benefit of the Church or of any circuit, chapel, mission, college, organisation, charity, fund or other object connected therewith or to take a transfer from any Trustees or Trustee or other person or persons in whom the same shall be vested of any endowment or fund or securities for the purposes aforesaid and the Trustees shall hold such personal property so given, bequeathed or transferred as aforesaid on the trusts declared by or contained in the deed, will or other instrument of endowment and the personal representatives or personal representative Trustees or Trustee person or persons making such transfer shall thereby obtain a good release for the property so transferred and from the trusts affecting the same.
7. The Trustees may from time to time invest all or any moneys that shall come to their hands in any of the public stocks or funds or Government securities of the United Kingdom or India or any colony or dependency of the United Kingdom or upon real securities in England, Wales or Ireland or in any other securities whatsoever which the Conference shall from time to time appoint and no Trustees shall be liable for any loss occasioned by the depreciation or failure of any such investment or otherwise save by his own wilful default and the Trustees from time to time at their discretion may vary or transpose such stocks, funds and securities into or for others of the same or a like nature.
8. It shall be lawful for the Trustees to invest all or any moneys vested in them for that purpose in the absolute purchase or in procuring leases or fee farm grants subject to annual or other rents and with or without fines of lands for the erection thereon of churches or of residences for the use of the ministers of the Church or for schools or other buildings in connection with the Church or for other purposes approved by the Conference the lands so to be purchased not to exceed thirty acres for each Society and to hold the same in accordance with appropriate trusts to be declared by Deed under the seal of the Trustees and to sell, grant or demise the lands so purchased to Trustees for the use of the Society for such sum or at such

rent and for such term as the Trustees shall think fit or to permit such Society to occupy and use the same at such rent and upon such terms and conditions as the Trustees shall think fit and the Trustees may execute all such deeds, grants, leases or other documents as may be necessary for the purpose aforesaid.

9. It shall be lawful for any Trustees whether a body corporate or not of any church, chapel, college, school-house, minister's residence or other real property whether freehold or chattel held in trust for the Church or any Society in connection therewith or any person or persons in whom the same may be vested if they or he respectively shall think fit with the sanction of the Conference to grant or assign to or otherwise vest in the Trustees as defined by this Act with their concurrence such church, chapel, college, school-house, minister's residence or other real property whether freehold or chattel to be held by the Trustees upon such trusts and subject to such rights as at the time of such grant, assignment or vesting affect the same respectively and the former Trustees shall be thereupon released from the trusts thereof respectively.

10. It shall be lawful for any person whomsoever entitled so to do to give, grant, devise, bequeath or assure to the Trustees by any deed, will or other instrument sufficient in law to create or convey an estate therein and for the Trustees to accept and hold any messuages, lands or hereditaments or any estate therein for any church, chapel or college or for any school-house or minister's residence or for a graveyard or cemetery or for any charity in connection with the Church or any Society thereof or for a hall for the meeting of the Conference or for any other purpose approved of by the Conference: Provided always that the Trustees shall not under the powers of this Act hold in trust

(a) for any Society more than thirty acres of land (including any land which shall have been purchased for such Society by the Trustees under the powers of this Act);

or

(b) for any college or charity more than one hundred acres of land;

or

(c) for the erection of a hall, offices or other buildings for the use of the Conference more than twenty acres of land;

Provided always nevertheless that any such gift, grant, devise, bequest or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid shall be void as to the excess only and in such case the Trustees shall be entitled to select such portion or portions of the said lands as they are authorised by this Act to hold.

11. The Trustees may from time to time with the sanction of the Conference sell, lease, exchange or otherwise dispose of on such terms and in such manner as they think fit or mortgage on lands vested in them and not being otherwise required for purposes of the Church or any of the colleges, societies or charities connected therewith and may enter into, execute and do all contracts, assurances and things necessary or proper in that behalf and every such sale or lease as aforesaid may be made either absolutely for a sum in money or for any annual rent or rents to be made payable as the Trustees direct or partly for a sum of money and partly for such rent or rents as aforesaid as the Trustees think fit and the Trustees may afterwards sell any rent so to be made payable.

12. 1. The Trustees shall conduct their business at such place and shall keep such Minute Books and shall keep and render such accounts and make such reports from time to time and hold such meetings as the Conference shall from time to time direct and require. Provided always that the Trustees shall hold a meeting once at least in each year which meeting shall be held not later than fourteen days prior to the opening of the Conference and at such meeting the Trustees shall approve of the annual report to be presented to the Conference.

2. The Seal of the Trustees shall not be affixed to any document except in the presence of two of the Trustees.
13. It shall be lawful for the Trustees from time to time to provide a suitable office or suitable offices for the Trustees and to appoint a Treasurer or Treasurers, Secretary or Secretaries and other officers and to prescribe for them such duties and to pay them such remuneration for their services as the Trustees shall think fit and such Treasurer or Treasurers, Secretary or Secretaries and other officers shall hold their respective offices on such terms as the Trustees shall determine.
14. It shall be lawful for the Trustees to impose and deduct in each year a uniform charge of such sum out of each pound of income for that year in the hands of the Trustees as the Trustees with the approval of the Conference may from time to time determine and out of the moneys so provided (to be called "The Expenses Account") together with the amount standing to the credit of the Expenses Reserve mentioned in the Preamble to this Act to pay the costs, charges and expenses of and incidental to the obtaining and passing of this Act and the carrying thereof into effect and the general expenses of administration and other expenses incurred by them.
15. The Conference shall at its annual meeting in each year appoint two or more fit and proper persons to examine and audit the accounts of the Trustees and such Auditors shall have power to call for and require the production of all books of account, vouchers and documents relating to the income and expenditure of the Trustees during the year to which the accounts so to be audited may relate and the securities for and other documents relating to the capital of the several trusts and the investments thereof and the same shall be produced to them accordingly.
16. The receipt in writing of the Treasurer or Treasurers or of any of the Trustees authorised in that behalf by or under any rule or regulation made in accordance with the provisions of this Act for any moneys paid and for any Stocks, Funds, Shares or Securities transferred to the Trustees by virtue of this Act or in execution of any of the trusts or powers thereof shall effectually discharge the person or persons paying or transferring the same therefrom and from being bound to see to the application or being answerable for the loss or misapplication thereof.
17. With respect to contracts to be made by the Trustees the following provisions shall have effect (that is to say):—

With respect to any contract which if made between individuals would be by law required to be in writing and under Seal the Trustees may make the same in writing under their Common Seal and in the same manner may vary or discharge the same;

With respect to any contract which if made between individuals would be by law required to be in writing and signed by the parties to be charged therewith the Trustees may make the same in writing signed by any one or more of their number appointed by or under any rule or regulation made in accordance with the provisions of this Act to act in that behalf generally or in any particular case and in the same manner may vary or discharge the same.

With respect to any contract which if made between individuals would be by law valid though not reduced into writing the Trustees or any one or more of their number appointed by or under any such rule or regulation as aforesaid may make the same or authorise the same to be made without writing and in the same manner may vary or discharge the same;

And all contracts made according to the provisions of this Section shall be effectual at law and shall be binding on the Trustees and on all other parties thereto their heirs, executors or administrators and on any default in execution of their obligation either by the Trustees of any party thereto such actions or suits may be brought either by or against the Trustees as might be brought if the same contract had been made between individuals.

- 18.** The Conference and the Trustees and any Committee of the Trustees or any other body authorised by the rules and regulations made in accordance with the provisions of this Act to act for or on behalf of the Trustees in discharging their respective duties under this Act or any rules or regulations to be made in pursuance thereof shall cause notes, minutes or copies (as the case requires) of their orders, resolutions and proceedings to be entered in books to be kept under their superintendence and every such entry shall be signed by the President or the person acting as President of the Conference or by the Chairman of the Meeting at which the order resolution or proceeding entered was passed or taken or by the Chairman of the next subsequent Meeting and every such entry so signed shall be received as evidence in all Courts and elsewhere without proof of the Conference or Meeting having been duly convened or held or of the persons making or taking any such order, resolution or proceeding or causing the same to be entered being Members of the Conference or being Trustees or being Members of any such Committee or body as aforesaid (as the case may be) or of the signature of the person signing as President or Chairman of the fact of his having been President or Chairman as the case may be all which matters shall be presumed until the contrary is shown.
- 19.** All acts done at a Meeting of the Conference or of the Trustees or of any Committee thereof by any person acting as a member of the Conference or of the Trustees or Committee shall notwithstanding it being afterwards discovered that there was some defect in the appointment of any such person so acting or that he was disqualified be as valid as if there had been no such defect or disqualification.
- 20.** The Trustees shall not nor shall any of them by being party to or executing as such Trustee any contract or other instrument or otherwise lawfully executing any of the powers given to the Trustees by this Act or the rules and regulations to be made in pursuance of its provisions

be subject to be sued or prosecuted by any person whomsoever nor shall the bodies, goods or lands of such Trustees or any of them be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed or executed by them or any of them or by reason of any other lawful act done by them or any of them in the execution of any of their powers as such Trustees as aforesaid and the Trustees, their heirs, executors, and administrators shall be indemnified out of the Trust Funds for all payments made or liabilities incurred in respect of any acts done by them and for all losses, costs and damages which they may incur in the execution of this Act and the Trustees for the time being may apply the Trust Funds for the purposes of such indemnity.

21. 1. The persons who have at any time before the passing of this Act acted or purported to act as Trustees of any property mentioned in this Act shall not nor shall the heirs, executors or administrators or the estates of any such persons be liable for any acts done or transfers made in relation to the property or moneys belonging to any trust mentioned in this Act or for or by reason of any expenditure incurred by them or any of them in the execution of the said trusts and shall not be liable to make good or replace any property or moneys expended by them in execution of the said trusts or any of them and the persons or any of them formerly acting as Trustees of the several trust properties mentioned in this Act whether legally appointed or not or their respective heirs, executors, administrators, estates and effects shall not be liable for any actions, suits, costs, charges, claims or demands whatsoever for or on account of any acts or dealings with the said trust properties or any of them.

Provided that no person shall by virtue of this Section be relieved from any liability in respect of anything done by him otherwise than in good faith.

2. The trustees, executors or administrators of any donor or testator who conveyed, assigned, devised or bequeathed any property to such trustees, executors or administrators for the benefit of the Church or of any college, school, society, circuit, mission or charity connected therewith shall not nor shall their estate or effects be liable for any breach of trust by reason only of their having transferred or handed over such property to the persons for the time being purporting to act as Trustees of the Deed Poll dated the thirteenth day of October One thousand eight hundred and seventy-six recited or referred to in the Preamble to this Act.

22. 1. No conveyance, assignment, grant, lease, deed, transfer or other assurance made at any time before the passing of this Act by any person or persons acting or purporting to act as Trustees of any of the said recited Deeds Poll or as Statutory Trustees shall be impeached or called in question by reason of the fact that any of the executing parties had not been legally appointed or that the premises, funds or securities thereby affected or any of them had not been legally vested in such person or persons as first aforesaid.

2. The Indenture of the thirtieth day of August One thousand nine hundred whereof a copy is set forth in the Sixth Schedule to this Act and the transfer of property thereby intended to be effected are hereby confirmed and none of the parties thereto shall nor shall any person who may have acted in the trusts thereof be liable to be sued or prosecuted by any person whomsoever nor shall the bodies, goods or lands of any of them be liable to execution of any

legal process by reason of having executed the same or by reason of any act done, omitted or suffered with respect to the trust premises therein comprised since the execution thereof.

23. It shall be lawful for the Trustees to pay to any member of their body all travelling and other expenses incurred by him in or about the execution of the said trusts or powers or any of them and the Conference shall have power to make regulations for the payment of the expenses of management by the Trustees.
24. If any of the Trustees hereinbefore named or to be appointed as hereinafter provided shall die or be declared a bankrupt or file a petition for relief under any Act or Acts for the time being in force for the relief of insolvent debtors or make any composition or arrangement with his creditors or cease to be a member of Society or to reside in Ireland or shall be absent therefrom for a continuous period of twelve months or shall by writing under his hand delivered to the Secretary for the time being of the Conference express his desire to be discharged or shall refuse or become incapable to act or shall be removed from being one of the Trustees by a vote of the Conference then and in any of such cases it shall be lawful for the Conference at its annual meeting or at any special meeting convened for the purpose to appoint a person to fill such vacancy (the successor to fill such vacancy to be a minister if the deceased or retiring Trustee was or is a minister and such successor to be a layman if the deceased or retiring Trustee was or is a layman). Provided always that no person shall be eligible to be appointed a Trustee who at the time of holding any such meeting of the Conference is not and has not for a period of at least two years been a member of Society. In the event of the Conference failing or omitting to fill such vacancy within two years after it shall have occurred it shall be lawful for the Trustees by resolution to appoint a person to fill such vacancy provided that such person shall be a person eligible to be appointed as aforesaid. Any such resolution shall be reported to the next ensuing meeting of the Conference and shall be recorded in the Journal and Minutes of the Conference. The Conference may at any annual or special meeting increase the number of the Trustees.
25. It shall be lawful for the Trustees from time to time to make such rules and regulations as may be deemed expedient respecting the management and disposition of the trust property, estates and effects vested in them, the investment of trust moneys or funds, the transfer of any moneys or funds so invested into or upon any other security the appointment of such and so many Committees as may be considered necessary for the despatch of business, the powers and duties which each such Committee shall possess and discharge, the number of members to serve on each Committee, the number of members whose attendance shall be necessary to make a quorum of the Trustees or of the said Committees respectively the mode of giving or sending notices for and the times, places and manner of their meetings and respecting the general conduct, management or control of business affairs, the times of meeting and the proceedings of the Trustees and to delegate to any such Committee all or any of the powers of the Trustees. Provided always that the said rules and regulations shall not come into force and effect nor shall any such delegation be valid or effectual until approved of by the Conference and the approval of such rules and regulations shall be duly evidenced by the same being signed by the President or the person acting as President and the Secretary for the time being of the Conference and the Conference at their Annual Meeting may by vote of Conference approve of, reject or alter wholly or in part all or any part of every or any such rule or regulation as aforesaid and substitute or make any other rule

or regulations in lieu thereof or in addition thereto as the Conference shall think fit and any instrument in writing which shall purport to be a rule or regulation of the Trustees and which shall be sealed with the Common Seal of the Trustees shall be received as prima facie evidence of the same being such a rule or regulation in all Courts and before all Justices officers and persons whomsoever. Provided also that the said rules and regulations shall not at any time be repealed or altered by the Trustees nor any new rule or regulation be added thereto unless such repeal or alteration or such new rule or regulation shall have been decided upon at a meeting of the Trustees duly convened for the purpose (and of which meeting fourteen days' notice shall have been previously given or sent to each Trustee in such form as may be provided by the rules and regulations for the time being as to notices, such notice to specify the proposed alteration repeal or addition) and shall have been approved by the Conference.

Provided further that for the purpose of enabling the Trustees to act between the date of the passing of this Act and the first meeting of the Conference to be held thereafter it shall be lawful for the Trustees to make such temporary rules and regulations for all or any of the purposes aforesaid as may be approved in writing by a majority of the Trustees and with the like approval to exercise temporarily any such power of delegation as aforesaid and that such rules and regulations and any such delegation shall come into operation or become effective immediately on receiving such approval but shall cease to be operative or to have effect upon the termination of the first meeting of the Conference held after the passing of this Act except so far as such rules and regulations or any of them or any such delegation shall be approved by the Conference at that meeting.

26. The vote of the majority of the members for the time being of the Conference present and voting at any meeting of the Conference shall be considered as the act of the Conference for any of the purposes for which such act is by this Act rendered necessary and all votes and proceedings of the Conference which shall purport to be signed by the President or the person acting as President and the Secretary of the Conference shall be received as evidence that such votes and proceedings were passed and had at a meeting of the Conference duly convened and constituted.
27. The official designation of the Church mentioned in this Act shall be the Methodist Church in Ireland.
28. Any Deed or other document purporting to be an act of the Conference shall be valid for all purposes when signed and sealed by the President of the Conference and by the Secretary thereof.

The SCHEDULES referred to in the foregoing Act

### **First schedule**

#### Part I

Deed poll dated the 27th day of January, 1863 declaring the trusts of the Wesleyan Methodist Ministers' Sons' Fund.

Part II

Particulars of the securities &c. Held by the trustees of the Methodist Ministers' Sons' Fund on the 1st day of April, 1914.

**Second schedule**

Part I

Deed poll dated the 16th day of December 1873 declaring the trusts of the Wesleyan Methodist Worn-out Ministers and Ministers' Widows' Fund (now known as the Supernumerary Methodist Ministers' and Ministers' Widows' Fund).

Part II

Particulars of the securities &c. Held by the trustees of the Supernumerary Methodist Ministers' and Ministers' Widows' Fund on the 1st day of April 1914.

**Third schedule**

Part I

Deed poll dated the 13th day of October 1876 declaring the trusts in respect of donations and bequests for Circuit and Connexional purposes.

Part II

Particulars of the securities &c., held by the Trustees for donations and bequests on the 1st day of April 1914.

**Fourth schedule**

Part I

Resolutions passed by the Primitive Wesleyan Methodist society of Ireland on the 27th day of June 1878 as to the union with the Wesleyan Methodist Society in Ireland.

Part II

Resolution passed by the Primitive Wesleyan Methodist Society of Ireland on the 28th day of June 1878 uniting with the Wesleyan Methodist society in Ireland.

**Fifth schedule**

Particulars of chapels, residences for ministers, school-houses, and other houses and plots of ground, comprising the residue of the property formerly belonging to the Primitive Wesleyan Methodist Society of Ireland and vested in the Statutory Trustees.

**Sixth schedule**

Indenture dated the 30th day of August 1900 amalgamating the special supplemental fund for preachers and widows belonging to the said Primitive Wesleyan Methodist Society of Ireland with the Wesleyan Methodist Auxiliary Fund.