



CHAPTER xxvi.

An Act to constitute and incorporate the trustees for Methodist Church Purposes and to vest in them the properties formerly vested in the trustees for Wesleyan Methodist Chapel Purposes (Registered) or in the trustees for United Methodist Church Purposes Registered and for other purposes. [25th May 1939.]

WHEREAS by a resolution of the conference of the Wesleyan Methodist Church passed at its annual session in the year eighteen hundred and sixty-six a board of trustees was constituted called "the Trustees for Wesleyan Methodist Chapel Purposes" and in pursuance of another resolution of the said conference a deed (being the deed next hereinafter recited) was executed declaring the trusts of funds given or bequeathed to the Trustees for Wesleyan Methodist Chapel Purposes :

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend William Arthur and five others who were then the Trustees for Wesleyan Methodist Chapel Purposes dated the fourth day of October eighteen hundred and sixty-six (hereinafter referred to as "the Trust Deed of 1866") it was declared that the said William Arthur and the said five others and all and every other the trustees and trustee for the time being acting in the execution of the trusts of those presents should stand possessed of all donations and bequests which should from time to

time thereafter be made to them for the benefit of any of the funds which then were or thereafter might be constituted by or under the authority or with the consent of the said conference for the purpose of promoting the acquisition and erection of or the relief of or generally for the benefit of or in connection with chapels lands buildings and hereditaments settled or to be settled upon the trusts therein mentioned or other like trusts and of all donations and bequests which should from time to time thereafter be made to them for the benefit of or in connection with some particular property settled upon such or the like trusts as aforesaid upon the trusts and for the intents and purposes and with under and subject to the powers provisoes and declarations hereinafter declared and contained of and concerning the same :

And whereas in pursuance of a resolution of the said conference passed at its annual session in the year nineteen hundred and ten a deed (being the deed next hereinafter recited) was executed extending the objects and powers of the Trust Deed of 1866 :

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend Henry John Pope the Reverend John Hornabrook and the Reverend Marshall Hartley and John Lees Barker William Middlebrook and Thomas Cole who then were the Trustees for Wesleyan Methodist Chapel Purposes dated the seventh day of October nineteen hundred and ten (hereinafter referred to as "the Trust Deed of 1910") the said Henry John Pope John Hornabrook Marshall Hartley John Lees Barker William Middlebrook and Thomas Cole declared that they and all and every other the trustees or trustee for the time being acting in the execution of the trusts of the Trust Deed of 1866 or of those presents should stand seised and possessed of all real leasehold and personal estate which should from time to time thereafter be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the church or society of the people called Methodists and associated with the said conference or any of its synods circuits missions or other connexional or local organisations whether immediately connected with chapels or not upon the

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trusts and for the intents and purposes and with under and subject to the powers provisoes and declarations thereinafter declared and contained of and concerning the same :

And whereas by an order of the Board of Charity Commissioners for England and Wales dated the fourth day of July nineteen hundred and eleven and made in the matter of the charity for Wesleyan Methodist Chapel Purposes and in the matter of the Charitable Trustees Incorporation Act 1872 and in the matter of the Charitable Trusts Acts 1853 to 1894 the said board granted a certificate of incorporation of the trustees of the said charity by the name of "the Trustees for Wesleyan Methodist Chapel Purposes (Registered) " : 35 & 36 Vict.
c. 24.

And whereas by a resolution of the conference of the United Methodist Church passed at its annual session in the year nineteen hundred and fourteen a board of trustees was constituted called " the Trustees for the United Methodist Church Purposes " and in pursuance of another resolution of the said conference a deed (being the deed next hereinafter recited) was executed declaring the trusts of real leasehold and personal estate given devised or bequeathed to the Trustees for United Methodist Church Purposes :

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend Ebenezer Darrel Cornish the Reverend George Parker the Reverend John Luke the Reverend Bruce Whiteley Rose and Joseph Briggs Thomas Hulbert William Simmonds Skelton and James Ernest Le Huray (who then were the Trustees for United Methodist Church Purposes) dated the ninth day of September nineteen hundred and fourteen (hereinafter referred to as " the Trust Deed of 1914 ") the said Ebenezer Darrel Cornish George Parker John Luke Bruce Whiteley Rose Joseph Briggs Thomas Hulbert William Simmonds Skelton and James Ernest Le Huray declared that they and all and every other the trustees and trustee for the time being acting in the execution of the trusts of those presents should stand seised and possessed of all real and leasehold estate in Great Britain and of all personal estate other than leasehold estate whether in Great Britain or elsewhere which

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should from time to time thereafter be given devised or bequeathed, or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the United Methodist Church or any of its circuits districts missions or other connexional or local organisations whether immediately connected with church lands as therein defined or not or upon or for any trusts intents or purposes connected with any of its chapels Sunday schools day schools or ministers' houses or upon or for any trusts intents or purposes connected with any society institution or charity subsidiary or ancillary to the United Methodist Church upon the trusts and for the intents and purposes and with under and subject to the powers provisoes and declarations thereafter declared and contained of and concerning the same :

And whereas by an order of the said Board of Charity Commissioners dated the ninth day of March nineteen hundred and fifteen and made in the matter of the charity for United Methodist Church Purposes and in the matter of the Charitable Trustees Incorporation Act 1872 and in the matter of the Charitable Trust Acts 1853 to 1914 the said board granted a certificate of incorporation of the trustees of the said charity by the name of "the Trustees for United Methodist Church Purposes Registered" :

And whereas under and by virtue of the enactments in that behalf contained in the Methodist Church Union Act 1929 (hereinafter referred to as "the Act of 1929") and a deed of union executed in pursuance thereof the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church became as from the twentieth day of September nineteen hundred and thirty-two (hereinafter referred to as "the date of union") and are united in and form one united church or denomination under the name of "the Methodist Church" and as from the date of union all church lands (in the Act of 1929 defined) of the said churches or denominations became and now are held in trust for or for the purposes of the Methodist Church or for or for the purposes of the society institution or charity subsidiary or ancillary to the Methodist Church corresponding to any society institution or charity subsidiary or ancillary to any of the said churches or

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denominations upon the trusts and with and subject to the powers and provisions in the Act of 1929 mentioned and all personal or moveable property (other than chattels real which were included in the said church lands or certain annuitant superannuation and other funds specified in section 19 of the Act of 1929) at the date of union belonging to or held in trust for or on behalf of or in connection with or for any of the purposes of the said churches or denominations respectively or for the purposes of any society institution or charity subsidiary or ancillary to any of the said churches or denominations have as from that date been deemed to belong to or to be held in trust for or for the purposes of the Methodist Church or the corresponding society institution or charity subsidiary or ancillary to the Methodist Church nevertheless in other respects upon the same trusts and with and subject to the same powers and provisions as those upon with and subject to which the same were previously held so far as circumstances would permit:

And whereas it is expedient that a single body of trustees should be constituted and incorporated with perpetual succession and a common seal and be declared entitled to hold real leasehold and other personal estate of every kind and should also be empowered to act as trustees or as custodian trustees of any real leasehold or other personal estate given devised or bequeathed for or for the purposes of the Methodist Church or for or for the purposes of some society institution or charity subsidiary or ancillary to the Methodist Church and that the real leasehold and other personal estate now held by the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and the Trustees for United Methodist Church Purposes Registered should be vested in such body as incorporated by this Act:

And whereas certain charities namely certain orphanages situate at Alresford in the county of Southampton and Harrogate in the county of York are charities which were formerly subsidiary or ancillary to the Primitive Methodist Church but since the date of union have been and now are subsidiary or ancillary to the Methodist Church:

And whereas under and by virtue of seven several indentures of settlement the first being dated the

twenty-third day of July eighteen hundred and ninety-one and made between Joel Smith of the one part and John Coward Samuel Terry James Smith and the Reverend William Edward Crombie of the other part the second being dated the twenty-second day of August eighteen hundred and ninety-two and made between George Hawkins of the one part and the said John Coward Samuel Terry James Smith and the said William Edward Crombie of the other part the third being dated the twenty-second day of September eighteen hundred and ninety-three and made between the said Joel Smith of the one part and the said John Coward Samuel Terry James Smith and William Edward Crombie of the other part the fourth being dated the twenty-sixth day of October nineteen hundred and nine and made between Elizabeth Curtis of the one part and the said John Coward and Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippindale and the Reverend Joseph Thomas Barkby of the other part the fifth being dated the twenty-fourth day of January nineteen hundred and ten and made between Mary Smith of the one part and the said John Coward Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippindale and Joseph Thomas Barkby of the other part the sixth being dated the twenty-fifth day of January nineteen hundred and twenty-nine and made between Joseph Amos of the first part Jane Amos of the second part and the said Frederick Caesar Linfield Amos Chippindale and Joseph Thomas Barkby and Arthur Llewellyn Whittaker Frank Wheeler Robinson and William Matthew Burton of the third part and the seventh being dated the eighteenth day of March nineteen hundred and eleven and made between Thomas Robinson of the one part and the said John Coward Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippindale and Joseph Thomas Barkby of the other part (hereinafter referred to as "the orphanages settlements") certain trust funds and property are settled subject to certain life and other interests which (except as to those created by the said settlements dated the twenty-fourth day of January nineteen hundred and ten and the twenty-fifth day of January nineteen hundred and twenty-nine) have now determined upon trusts in

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some cases for the benefit of the said orphanage at Alresford and in other cases for the benefit of both of the said orphanages but subject in every case to provisions for disposing of the said funds if the said orphanage at Alresford or the said orphanages (as the case may be) should at any time be closed or cease to exist:

And whereas by an indenture dated the twenty-first day of April nineteen hundred and twenty and made between Charles Riley Maynard of the one part and the said Amos Chippindale Samuel Terry Frederick Caesar Linfield Thomas Robinson and Joseph Thomas Barkby (hereinafter referred to as "the scholarship trustees") of the other part a sum of two thousand pounds five per centum war loan which had been transferred to the scholarship trustees was settled upon trusts for the purpose of benefiting an orphan or fatherless boy from the said orphanages upon the terms therein set forth such gift being known as the Cephias Maynard Memorial Scholarship:

And whereas the charity known as the National Children's Home and Orphanage is a charity subsidiary or ancillary to the Methodist Church and the property belonging to the said charity is vested in "the Trustees of the National Children's Home and Orphanage Registered" a body of trustees duly incorporated under the Charitable Trustees Incorporation Act 1872 and an order of the said Charity Commissioners made on the fourteenth day of March nineteen hundred and thirty-three and by a previous order of the said Charity Commissioners dated the eighteenth day of October nineteen hundred and thirty-two a scheme was established clause 14 of which provided that any property thereafter acquired by the charity with respect to which trusts shall be prescribed and be subsisting at the date of the acquisition thereof by the said charity shall be held upon those trusts:

And whereas it is expedient that the said orphanages situate at Alresford and Harrogate aforesaid and all the property thereof respectively and the trust funds and property comprised in or subject to the trusts of any of the orphanages settlements and also the said sum of two thousand pounds five per centum

war loan so transferred to the scholarship trustees as aforesaid or the investments for the time being representing the same should be transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and be held by the said trustees upon the subsisting trusts concerning the same :

And whereas the charity known as the Wesleyan Methodist Connexional Funds is a charity which was formerly subsidiary or ancillary to the Wesleyan Methodist Church but since the date of union has been and is now subsidiary or ancillary to the Methodist Church and the property belonging to the said charity is vested in "the Trustees for the Wesleyan Methodist Connexional Funds (Registered)" a body of trustees duly incorporated under the Charitable Trustees Incorporation Act 1872 and an order of the said Charity Commissioners made on the twenty-third day of June nineteen hundred and twenty-five:

And whereas it is expedient that the name of the said body of trustees be changed from "the Trustees for the Wesleyan Methodist Connexional Funds (Registered)" to "the Trustees for the Methodist Connexional Funds (Registered)":

And whereas it is expedient that to the extent hereinafter mentioned the conference should be empowered upon receiving such request in that behalf as is hereinafter mentioned to remove from office trustees and to appoint other trustees in their place :

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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 as the Methodist Church Act 1939 and shall come into operation on the first day of September nineteen hundred and thirty-nine.

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2. In this Act unless there be something in the subject or context repugnant to such construction—

Interpre-
tation.

“the Methodist Church” means the united church or denomination formed under the provisions of the Methodist Church Union Act 1929;

“the conference” means the annual conference of the Methodist Church;

“the Board” means the Trustees for Methodist Church Purposes incorporated by this Act;

“the secretary” means the secretary for the time being of the conference;

“the Trust Deed of 1866” means the deed poll of declaration of trust dated the fourth day of October eighteen hundred and sixty-six;

“the Trust Deed of 1910” means the deed poll of declaration of trust dated the seventh day of October nineteen hundred and ten;

“the Trust Deed of 1914” means the deed poll of declaration of trust dated the ninth day of September nineteen hundred and fourteen;

“the new trust deed” means the deed of declaration of trust which the conference is empowered to settle and adopt by the section of this Act of which the marginal note is “Power to adopt new trust deed.”

3.—(1) For the purposes of this Act a Board shall be constituted and appointed as by this Act provided.

Incorpora-
tion of
Board.

(2) The Board shall be a body corporate under the name and style of the Trustees for Methodist Church Purposes with perpetual succession and a common seal and with power without licence in mortmain to acquire and hold real leasehold and other personal estate of every kind and by instruments under their common seal to convey exchange assign and demise any present or future real leasehold or other personal estate held by them and the Board may sue and be sued under that name:

Provided that the Board shall not purchase or borrow money for the purchase of land unless the land is required for actual occupation immediate or future for any of the purposes of or in connection with the

Methodist Church or of any of its synods circuits districts missions or other connexional or local organisations whether immediately connected with chapels or not or of its Sunday schools day schools or ministers' houses or of any society institution or charity subsidiary or ancillary to the Methodist Church and not as an investment.

(3) The said powers shall be exerciseable subject to such consents or orders (if any) being obtained as would if this Act had not been passed have been requisite if the transaction were being effected under an express power conferred by an instrument creating a trust.

(4) It shall be lawful for the conference at any time and from time to time by resolution passed by the votes of not less than three-fourths of the members of the conference present and voting upon such resolution to change the name of the Board and any such change of name shall not affect any rights or obligations of the Board or render defective any legal proceedings by or against the Board and any legal proceedings that might have been continued or commenced against it by its former names may be continued or commenced against it by its new name.

Constitu-
tion of
Board and
first mem-
bers.

4.—(1) Subject to the provisions of this Act the Board shall consist of such number of persons as the conference shall from time to time think fit provided that such number shall be an even number and not less than six.

(2) Each member of the Board shall be a member of the Methodist Church and subject to the provisions of this Act with respect to avoidance and determination of office shall hold office for life.

(3) The Board shall consist of ministers and laymen in equal numbers.

(4) The first members of the Board shall be the persons appointed by the conference at any time after the passing of this Act to be such members and may be as many (being an even number and not less than six) as the conference shall think fit and a statement in writing under the hand of the secretary shall be conclusive evidence as to who are the first members of the Board. The conference may from time to time

increase the number of the members of the Board by appointing such additional members as the conference thinks fit but so that the Board shall always consist of ministers and laymen in equal numbers.

5. If a member of the Board shall—

- (a) die; or
- (b) become bankrupt; or
- (c) make an assignment for the benefit of his creditors; or
- (d) refuse or be unfit to act or be incapable of acting as a member of the Board; or
- (e) reside for twelve months out of the United Kingdom; or
- (f) cease to be a member of the Methodist Church; or
- (g) by notice in writing sent or delivered to the secretary state his desire to resign from the Board;

Appoint-
ment of new
members.

the place of such member of the Board shall become vacant and the conference may appoint another person nominated by the remaining members of the Board or a majority of them to fill the vacancy:

Provided that—

- (i) if the remaining members of the Board or a majority of them shall fail to nominate a new member of the Board within a period of six months after the occurrence of a vacancy the conference may both nominate and appoint another person to fill the vacancy;
- (ii) whether the remaining members of the Board or a majority of them nominate a new member of the Board or not the conference shall not be bound to fill any vacancy unless the conference thinks fit so to do so long as the number of the members of the Board does not fall below six and the equality of the number of ministers and laymen is maintained;

- (iii) the place of a minister shall only be taken by another minister and the place of a lay member of the Board shall only be taken by another lay member;
- (iv) the proceedings of the Board shall not be invalidated by any vacancy in their number.

6. As on and from the commencement of this Act the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and the Trustees for United Methodist Church Purposes Registered shall be by virtue of this Act dissolved and cease to exist and all the real leasehold and other personal estate of every kind including things in action which is subject to the trusts of the Trust Deed of 1866 the Trust Deed of 1910 or the Trust Deed of 1914 or which immediately before the commencement of this Act was vested in or in the custody or control of and all rights and privileges then vested in the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered whether as trustees or as custodian trustees shall be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the Board subject to the trusts directions and powers referred to or contained in this Act.

7. On the commencement of this Act all debts and liabilities of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and of the Trustees for United Methodist Church Purposes Registered shall by virtue of this Act be transferred and attached to the Board and shall thereafter be discharged and satisfied by the Board.

8. All agreements awards contracts deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the commencement of this Act were existing or pending in favour of or against the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered shall continue and may be carried into effect enforced and prosecuted by or in favour of or against the Board to the same extent and in like manner

Dissolution of former trustees and transfer of property to Board.

Transfer of liabilities.

Saving for agreements deeds actions &c.

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as if the Board instead of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered (as the case may be) had been party to or interested in the same respectively.

9. Nothing in this Act contained shall deprive any trustee of any real leasehold or other personal estate referred to in the section of this Act of which the marginal note is "Dissolution of former trustees and transfer of property to Board" of any rights to which but for this Act he would be entitled to be indemnified out of such real leasehold or other personal estate in respect of any mortgage charge incumbrance lien bond and disposition in security or obligation in respect of which he shall have become personally liable.

Trustees' indemnity preserved.

10. The Board may receive and hold as trustees or as custodian trustees (and so that section 4 of the Public Trustee Act 1906 shall apply to the Board as if the Board were entitled by rules made under that Act to act as custodian trustees) all real leasehold and other personal estate which shall from time to time be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the Methodist Church or any of its synods circuits districts missions or other connexional or local organisations whether immediately connected with chapels or not or upon or for any trusts intents or purposes connected with any of its Sunday schools day schools or ministers' houses or upon or for any trusts intents or purposes connected with any society institution or charity subsidiary or ancillary to the Methodist Church other than any real leasehold or other personal estate which immediately before the commencement of this Act was vested or by this Act becomes vested or may hereafter become vested in the Trustees of the National Children's Home and Orphanage Registered.

Board to have power to receive and hold property upon trusts. 6 Edw. 7. c. 55.

11.—(1) It shall be lawful for the conference by resolution passed by the votes of not less than three-fourths of the members of the conference present and voting upon such resolution to settle and adopt a new trust deed declaring the trusts of the real leasehold and other personal estate which is transferred to and vested

Power to adopt new trust deed.

in the Board by virtue of the section of this Act of which the marginal note is "Dissolution of former trustees and transfer of property to Board" or which the Board may receive and hold as trustees or as custodian trustees by virtue of the section of this Act of which the marginal note is "Board to have power to receive and hold property upon trusts."

(2) The new trust deed shall contain all such provisions as in the judgment of the conference may be necessary or desirable. Provided that the new trust deed shall contain a clause providing that with respect to any real leasehold or other 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 at the time of the assurance or transfer affect the same respectively the Board shall hold the same upon and subject to the trust charge or obligation so created or imposed as to or upon or affecting the same respectively.

(3) The new trust deed when the same has been adopted by such resolution of the conference as aforesaid shall as soon as practicable be duly executed by the Board and the same shall within three months thereafter be sent to the office of the said Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

(4) Until the execution of the new trust deed the Board shall hold all the said real leasehold and other personal estate so transferred to and vested in or received and held by the Board as aforesaid subject to the trusts affecting the same at the date when the same is so transferred to and vested in or received by the Board.

Power to
alter new
trust deed.

12.—(1) At any time after the execution of the new trust deed and from time to time it shall be lawful for the conference by resolution passed in one year by the votes of not less than three-fourths of the members of the conference of that year present and voting upon such resolution and confirmed in the next subsequent year by a resolution of the conference of that year similarly passed to alter amend or repeal any of the provisions of the new trust deed and to adopt any new provisions with respect to any matters to which the new

trust deed relates subject and except as provided by subsection (4) of this section.

(2) Every such alteration amendment repeal and new provision as aforesaid shall have effect and be binding on the Board and the Methodist Church as from the date of the confirmatory resolutions in this section mentioned and thereafter the new trust deed and the trusts and provisions therein contained shall be construed and take effect as modified or added to by such alteration amendment repeal or new provision as aforesaid and reference in any document (whether executed before or after the said date) to the new trust deed shall be construed and take effect as reference to the new trust deed as modified or added to by such alteration amendment repeal or new provision.

(3) Any such alteration amendment repeal or new provision may at any time and from time to time if the conference shall so determine be embodied in a deed poll to be executed by the Board and any such deed poll shall within three months after execution be sent to the office of the said Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

(4) The conference shall not have any power to alter or vary in the new trust deed the clause therein contained which provides that with respect to any real leasehold or other 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 at the time of the assurance or transfer affect the same respectively the Board shall hold the same upon and subject to the trust charge or obligation so created or imposed as to or upon or affecting the same respectively.

13. The common seal of the Board shall be kept As to seal. by such person or persons as the Board by resolution or by a memorandum under the hands of all the members thereof shall from time to time appoint and shall not be affixed to any instrument except with the sanction of at least three members of the Board testified by their signatures to a statement expressing such sanction written on the instrument to which the seal is affixed

but it shall not be necessary for the members so testifying their sanction to be present at the affixing of the seal.

Construction of bequests in favour of former trustees.

14. Any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered shall on and after the commencement of this Act be read and have effect as if the Board were therein named instead of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered as the case may be.

Evidence of resolution.

15. Any document purporting to be a copy of any resolution passed by the conference such document being or purporting to be signed by the secretary shall be conclusive evidence that such resolution was duly passed by the conference and a letter signed or purporting to be signed by the secretary declaring that such resolution has been passed by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Indemnity to Board and members thereof.

16. No member of the Board shall by being party to or executing as such member any contract or other instrument or otherwise lawfully executing any of the powers given to the Board by this Act or the new trust deed be subject to be sued or prosecuted by any person whomsoever nor shall the bodies goods or lands of any such member be liable to execution of any legal process by reason of any contract or other instrument so entered into signed or executed by the Board or any of the members thereof or by reason of any other lawful act done by the Board or any of the members thereof in the execution of any of their or his powers as such Board or member as aforesaid and the said members their executors and administrators shall be indemnified out of any trust property for the time being vested in the Board for all payments made or liabilities incurred in respect of any acts done by them in connection with

such property or the trusts affecting the same and for all losses costs and damages which they may incur in the execution of this Act as regards such property or the trusts affecting the same and the Board may apply such property for the purposes of such indemnity.

17.—(1) Upon the commencement of this Act the orphanages of the Methodist Church situate at Alresford and Harrogate and all real and personal property of every kind including things in action belonging either at law or in equity to either of the said orphanages and also the trust funds and property comprised in or subject to the trusts of any of the orphanages settlements and also the sum of two thousand pounds five per centum war loan transferred to the scholarship trustees and settled by the said indenture of the twenty-first day of April nineteen hundred and twenty upon trusts for the purpose of benefiting an orphan or fatherless boy from the said orphanages as hereinbefore recited or the investments for the time being representing the same shall be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and shall be held by them upon the trusts affecting the same respectively at the date of the commencement of this Act and the Trustees of the National Children's Home and Orphanage Registered shall be the trustees of the orphanages settlements and the said indenture of the twenty-first day of April nineteen hundred and twenty in the place of the persons who immediately before the commencement of this Act were the trustees thereof respectively and any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of either of the said orphanages shall on and after the commencement of this Act be read and have effect as if the Trustees of the National Children's Home and Orphanage Registered were therein named instead of such orphanage.

Orphanages
at Alresford
and
Harrogate to
vest in
Trustees of
the National
Children's
Home and
Orphanage
Registered.

(2) The persons who were at any time before the commencement of this Act trustees or the personal

representatives of deceased trustees of the said orphanages respectively or of any of the orphanages settlements or the said indenture of the twenty-first day of April nineteen hundred and twenty shall as from the commencement of this Act stand absolutely released and for ever discharged from all the trust property formerly vested in them respectively which by this Act is transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and from all actions proceedings claims and demands in relation thereto and such trustees and personal representatives and their respective estates shall be indemnified out of such trust property so formerly vested in them respectively or the property for the time being representing the same for all payments made or liabilities incurred in respect of any acts done by them respectively in connection with such property or the trusts affecting the same and for all losses costs and damages which they may have incurred as regards such property or the trusts affecting the same and the Trustees of the National Children's Home and Orphanage Registered shall apply such property for the purpose of such indemnity.

Change of
name of
Trustees for
Wesleyan
Methodist
Connexional
Funds
(Registered).

18. As on and from the commencement of this Act the name of the Trustees for the Wesleyan Methodist Connexional Funds (Registered) shall be by virtue of this Act changed to "the Trustees for the Methodist Connexional Funds (Registered)" The said change of name shall not affect any rights or obligations of the said trustees or render defective any legal proceedings by or against them and any legal proceedings that might have been continued or commenced against them by their former name may be continued or commenced against them by their new name Any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of the Trustees for the Wesleyan Methodist Connexional Funds (Registered) shall on and after the commencement of this Act be read and have effect as if the Trustees for the Methodist Connexional Funds (Registered) were

therein named instead of the Trustees for the Wesleyan Methodist Connexional Funds (Registered).

19.—(1) Subject to the provisions of subsection (5) of this section if the trustees for the time being of any property held upon trusts for the use and benefit of the Methodist Church or any society institution or charity subsidiary or ancillary to the Methodist Church shall at any time by resolution passed by the votes of a majority of such trustees present and voting upon such resolution at a duly constituted meeting of such trustees or by a memorandum in writing signed by a majority of such trustees request the conference to remove any trustee of such property the conference may if it thinks fit so to do remove such trustee and may if it thinks fit so to do itself appoint some other person to be a trustee in the place of the trustee so removed but so nevertheless that to supply any vacancy occasioned by the removal of any trustee another person who shall be qualified by the trusts affecting such property to be a trustee thereof shall be appointed. If the conference shall not itself appoint some other person to be a trustee in the place of the trustee so removed within a period of one month after his removal the person or persons empowered by the trusts affecting such property to appoint new trustees thereof may appoint some other person to be a trustee in the place of the trustee so removed.

Power for Methodist conference to remove any trustee.

(2) Every such request shall in the first instance be sent by such trustees to the committee known as the general chapel committee and it shall be the duty of such committee as soon as may be to consider such request and to forward the same with its comments thereon (if any) to the secretary.

(3) Any document purporting to be a copy of any such resolution as in this section is mentioned such document being or purporting to be signed by the chairman of the meeting convened for the purpose of passing such resolution shall be conclusive evidence that such resolution was duly passed by the votes of a majority of such trustees present and voting upon such resolution at a duly constituted meeting of such trustees and any document purporting to be such a memorandum in writing as in this section is mentioned such document

being or purporting to be signed by a majority of such trustees shall be conclusive evidence that such a memorandum was in fact signed by a majority of such trustees.

(4) Forthwith upon the removal of any trustee of any property and the appointment of some other person to be a trustee in his place under the provisions of this section all such property shall be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the continuing trustees of such property and such new trustee so appointed as joint tenants and for the purposes of the trusts affecting the same for the estate and interest therein formerly vested in such continuing trustees and the trustee so removed and until the appointment of such new trustee all such property shall likewise be so transferred to and vested in the said continuing trustees alone and thereupon the trustee so removed shall stand absolutely released and for ever discharged from all the said property and from all actions proceedings claims and demands in relation thereto and such removed trustee and his executors and administrators shall be indemnified out of such property or the property for the time being representing the same for all payments made or liabilities incurred in respect of any acts done by such removed trustee or other the trustees of such property in connection with such property or the trusts affecting the same and for all losses costs and damages which he or they may have incurred as regards such property or the trusts affecting the same and the said continuing trustees and new trustee if any shall apply such property for the purpose of such indemnity.

(5) This section shall not apply to the Board or to the Trustees of the National Children's Home and Orphanage Registered or to the Trustees for the Methodist Connexional Funds (Registered) or to any member thereof respectively as such member.

Schemes.

20. Nothing in this Act shall take away abridge or affect any power or jurisdiction of the Board of Charity Commissioners for England and Wales or Board of Education who may deal with modify or vary any of the provisions of this Act relating to or affecting any charity (educational or otherwise as the case may be)

whether already dealt with by a scheme of the said Charity Commissioners or Board of Education or not by a scheme in the exercise of their ordinary jurisdiction as if those provisions had been contained in a scheme of the said Charity Commissioners or so far as they affect educational charities of the Board of Education provided that nothing in this section contained shall take away abridge or affect any exemption from the operation of the Charitable Trusts Acts 1853 to 1925 conferred upon any charity by the said Acts or any of them.

21.—(1) The production of a copy of this Act shall be sufficient authority to any company in whose books any stock transferred by virtue of this Act is standing to delete the entry of the stock made in the name of the transferor thereof named in this Act and to enter the stock in the name of the transferee thereof named in this Act and to pay the dividends thereon to such transferee and such stock shall be entered and such dividends paid accordingly.

Transfer
of stock.

(2) In this section—

“company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“stock” includes any share annuity or other security.

22. This Act shall not extend to Northern Ireland but shall extend to the Channel Islands and the Isle of Man.

Extent of
Act.

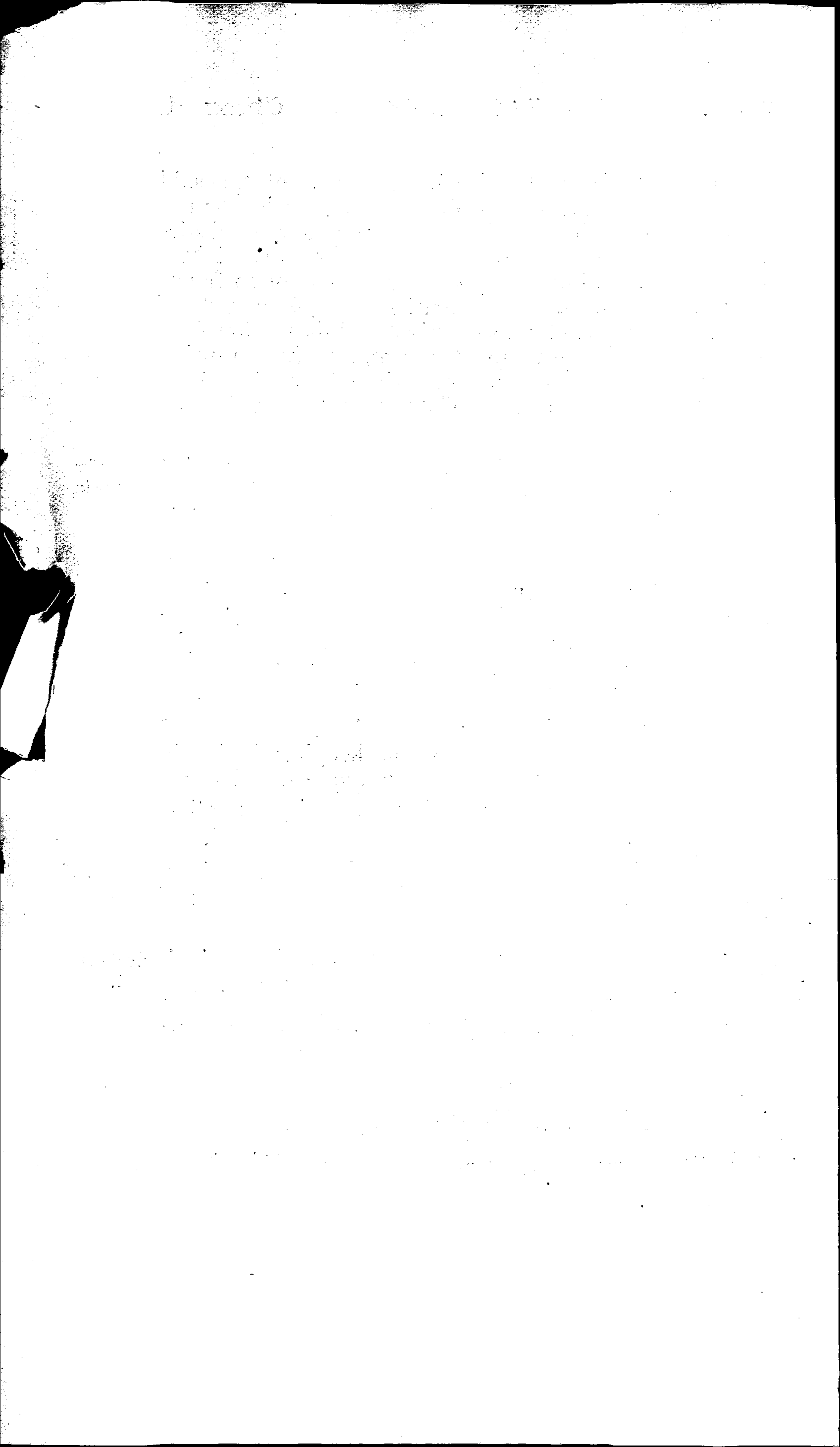
23. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by and out of the general funds of the Methodist Church.

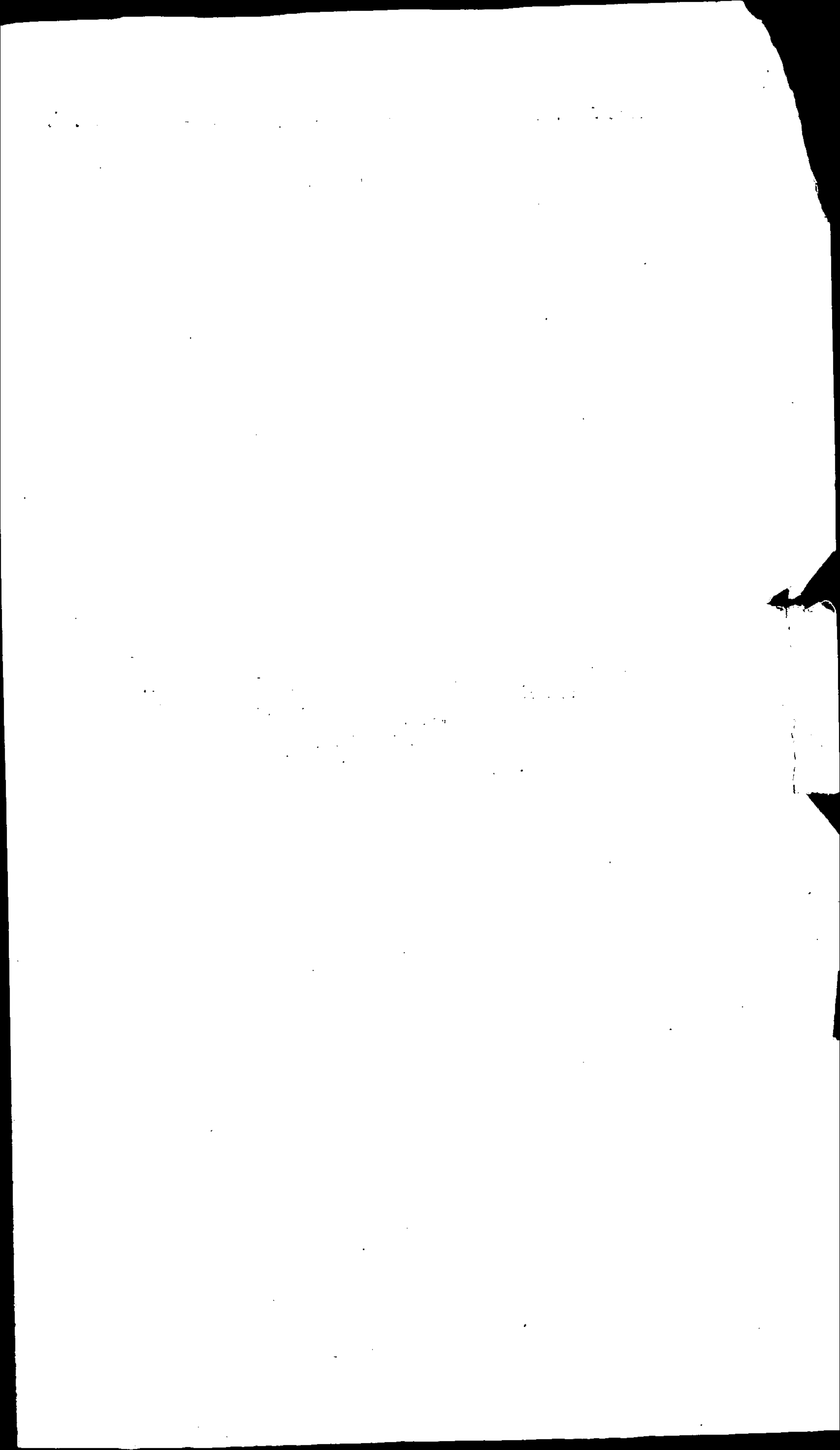
Costs of
Act.

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