

## No. III.

CHURCH BUILDING.

### An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales. [29th July, 1836.]

Preamble.

Regulating the issue of public money in aid of the erection of Churches and Ministers' dwellings.

Proviso limiting the amount.

Ministers' stipends.

WHEREAS for the advancement of the Christian Religion and the promotion of good morals in the Colony of New South Wales it is expedient to encourage the observance of Public Worship and for this purpose to authorize the issue from the Revenue of the said Colony of sums to be applied in aid of the building of Churches and Chapels and of the maintenance of Ministers of Religion Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That whenever a sum not less than three hundred pounds shall have been raised by private contribution and applied towards the building of a Church or Chapel and a dwelling where the same may be deemed necessary for the officiating Minister thereof in any part of the said Colony it shall be lawful for the Governor with the advice of the Executive Council by warrant under his hand and subject to such regulations for the due appropriation and application thereof as shall from time to time be made by the said Governor to issue from the Colonial Treasury in aid of the undertaking any sum of money not exceeding the amount of the said private contribution Provided always that the whole amount so to be issued from the Colonial Treasury in aid of any Church or Chapel and Minister's dwelling shall not exceed one thousand pounds and that no sum shall be so issued in aid of any private contribution unless such contribution shall be paid up and expended within three years from the date of the first issue from the Colonial Treasury on behalf of the said undertaking Provided further that nothing herein contained shall prevent or be construed to prevent the appropriation for the purposes aforesaid of any sum exceeding one thousand pounds by the Governor with the advice and consent of the Legislative Council.

2. And be it enacted That it shall be lawful for the said Governor with the advice of the Executive Council by warrant under his hand as aforesaid to authorize from time to time the issue from the Colonial Treasury

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Treasury of stipends towards the support of the Ministers of Religion duly appointed to officiate in any Churches or Chapels to be erected in manner aforesaid or in any Churches or Chapels already erected and of which Trustees shall be appointed for the maintenance thereof as hereinafter mentioned by virtue of this Act such stipends being issued at the several rates hereinafter mentioned that is to say in case it shall be shewn to the satisfaction of the said Governor and Executive Council that there is resident within a reasonable distance of the proposed Church or Chapel a population of one hundred adult persons and such persons shall subscribe a declaration setting forth their desire to attend such Church or Chapel it shall be lawful to issue to the Minister thereof from the Colonial Treasury in manner aforesaid one hundred pounds a year and in case there should appear to the said Governor and Executive Council to be resident as aforesaid two hundred adults who shall subscribe such declaration then one hundred and fifty pounds a year and in case there shall appear to the said Governor and Executive Council to be so resident five hundred adults who shall subscribe such declaration then two hundred pounds a year which shall be the highest stipend to be issued from the Colonial Treasury under the provisions of this Act towards the support of any one officiating Minister of Religion Provided always that in estimating the number of adult attendants for the purpose aforesaid there may be included the convict servants of any master residing within a reasonable distance who shall furnish a certificate setting forth the names of such servants and that they are of the religious denomination for the use of which the said Church or Chapel is intended.

2. Provided always and be it enacted That in case the number of persons by whom or on whose behalf such declaration as aforesaid shall be subscribed shall be less than the number of one hundred it shall nevertheless be lawful for the Governor with the advice of the Executive Council to cause to be issued a stipend to the Minister of any such Church or Chapel of one hundred pounds a year if under the special circumstances of the case the said Governor and Executive Council shall deem it expedient.

Ministers' stipends in cases where there are not 100 adults.

4. And be it enacted That whenever it shall be made to appear to the Governor and Executive Council that the number of persons of the religious denomination for whom an issue of money shall have been made from the Colonial Treasury in aid of the erection of a Church or Chapel and Minister's dwelling as aforesaid in any District of the Colony shall have increased therein then and in such case upon a declaration subscribed by so many adult persons as would authorize under the provisions of this Act the issue of a larger stipend to the Minister officiating at such Church or Chapel being presented to the Governor and Executive Council it shall and may be lawful for the Governor with the advice of the Executive Council to direct the issue of the stipend proportioned to such increased numbers as is by this Act directed.

As to the increase of stipends.

5. And be it enacted That whenever any sum not less than fifty pounds for any one year shall be raised by private contributions towards the maintenance of a Minister of Religion in any part of the said Colony in which there shall be no Church or Chapel at which persons of the creed of such Minister can be reasonably expected to attend and there shall also appear reasonable cause for delaying the erection of a permanent Church or Chapel for the use of such persons under the foregoing provisions it shall be lawful for the said Governor with the advice of the Executive Council to cause to be issued from the Colonial Treasury towards the maintenance of such Minister any sum not exceeding one hundred pounds which shall be equivalent to the sum raised by private contribution as aforesaid.

Ministers' stipends where there is no Church or Chapel.

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Before stipend to be issued proof to be adduced of the due performance of duties.

6. Provided always and be it enacted That once at least in every year for which the stipend of any Minister shall be issued as aforesaid such proof shall be produced to the said Governor and Executive Council as they shall require of the sufficient and regular performance of the duties in respect of which such stipends shall be respectively issued and if it shall appear to the said Governor and Council that the said duties have been culpably or wilfully neglected it shall be lawful for the said Governor and Council to withdraw the said stipend for such time as to them shall seem proper.

Appointment of Trustees.

7. And be it enacted That before any sum of money shall be issued from the Colonial Treasury towards the building of any Church or Chapel and Minister's dwelling in the manner aforesaid Trustees not less than three nor more than five in number shall be nominated by the persons contributing towards the building of the same for the approval of the Governor and Executive Council and that the real estate in the site of such Church Chapel or Minister's dwelling and of any lands and hereditaments thereunto belonging shall be conveyed to the said Trustees when approved and to the heirs of the survivor of such Trustees upon trust for the erection maintenance and repair of such Church or Chapel and Minister's dwelling and for the provision out of the revenues belonging to or arising from the use of the said Church or Chapel in such manner as shall be lawfully appointed of all things necessary for the celebration of Divine Worship therein and to whom shall be issued under such regulations for the due appropriation and application thereof as hereinbefore mentioned all such sums of money as by the provisions of this Act are authorized to be issued in aid of the erection of any Church or Chapel and Minister's dwelling.

Trustees may accept land &c.

8. And be it enacted That it shall be lawful for any Trustees appointed by virtue of this Act to accept and take from any person willing to give the same any lands or hereditaments adapted for the site of a Church or Chapel or Minister's dwelling with a garden and other appurtenances thereunto or any lands or hereditaments adapted for the purposes of a Burial Ground.

As to "free seats."

9. And be it further enacted That as soon as conveniently may be after the completion of any Church or Chapel under the provisions of this Act pews sittings or benches in every such Church or Chapel to be marked with the words "*free seats*" amounting to not less than one-sixth part of the whole of the sittings in every such Church or Chapel shall also be appropriated and set apart for the use of poor persons resorting thereto upon which pews sittings or benches so to be appropriated no rent whatever shall at any time be charged or imposed.

Appointment of Trustees for Churches already built.

10. And whereas it is expedient that Trustees be appointed for those Churches or Chapels already built which are now repaired and maintained at the public expense or for the Ministers whereof stipends are issued from the Colonial Revenue Be it enacted That it shall be lawful for the Governor with the advice of the Executive Council within six months after the passing of this Act to nominate not less than three nor more than five of the pewholders of the said Church or Chapel belonging to the religious denomination for whose use the said Church or Chapel is maintained to be Trustees thereof and to whom and the heirs of the survivor of such Trustees shall be conveyed as soon as conveniently may be the real estate in the said Church or Chapel and Minister's dwelling upon trust for the maintenance and repair of such Church and Minister's dwelling and for the provision out of the revenues belonging to or arising from the use of the said Church or Chapel in such manner as shall be lawfully appointed of all things necessary for the celebration of Divine Worship therein.

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*Crown Lands unauthorized Occupation.*

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11. Provided always and be it enacted That nothing in this Act contained shall be held in any manner to diminish the stipends allowances or emoluments of any Chaplains or Ministers of Religion heretofore appointed to officiate within the said Colony or to affect the possession or occupation of any glebe or land possessed and occupied by or appropriated to the use of any such Chaplain or Minister.

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Not to affect the stipends of Ministers already appointed.