

Act No. 19 of 1875**PRESBYTERIAN CHURCH PROPERTY***19 of 1875*

An Act for regulating the management by the minister and elders of the Presbyterian Church of St. Andrew, in the city of Nassau, of certain trust properties for the said church, and for other purposes.

[Commencement 9th April, 1875]

Preamble.

WHEREAS by the Act of Assembly, 32 Victoria, chapter 27, the Presbyterian Church of Saint Andrew, in the city of Nassau, was prospectively disendowed, and the land upon which that church stands erected was by the said Act vested in the ministers and elders of the said church for the time being, and his and their successors in office, in trust for the purposes and uses for which the same was held before the commencement of the said Act:

AND WHEREAS certain property connected with the said church has, since the said Act came into force, been vested in the said minister and elders as trustees therefor; and there are also trust funds and monies which are now invested in, or in the possession, or under the control of the said persons as trustees for the said church:

AND WHEREAS It is desirable that provisions, such as are in this Act contained, should be made in relation to the said church, trust funds, monies, and other properties and securities which are now belonging to, or which shall be devised or bequeathed or given, or in any way belong to or be held for the use of the said church, or of any congregation connected therewith:

AND WHEREAS, with the view effectually to hold and perpetuate the succession of, and the better to manage, all property, real and personal held or to be held in trust, or for the use, or in connection with the said Presbyterian Church of Saint Andrew, and in order to regulate and manage the affairs thereof, it is sought by a petition from the minister and elders of the said church to obtain an Act of the General Assembly of these islands.

[This Act may be cited as the Presbyterian Church Property Act.] Short title.

1. That the present minister and elders of the Presbyterian Church of Saint Andrew, in the city of Nassau, to wit, the Reverend Robert Dunlop, minister, Henry Stephenson, Timothy Darling, James Henry Gamblin, Michael Christopher Knowles, Charles Tyldesley Sands, Edward William Begrie, elders, and their successors in office shall be, and they are hereby declared to be a body corporate for the better holding and management of the property of the said church or connected therewith, and for the better regulation and management of the affairs thereof, and under and by the name, style, and title of “The Commissioners of the Presbyterian Church of St. Andrew,” to have continuance and succession for ever, and may have and use a common seal for the business of the said Corporation and change and alter the same at their will and pleasure, and shall and may be capable in law to have, hold, purchase, receive, take, enjoy, and in the proper execution and for the better fulfilment of the trusts of the said Corporation and for the benefit and advantage thereof, sell, grant and otherwise dispose of all manner of real and personal property whatsoever and every part and parcel thereof; and they shall and may be able and capable in law, by the name, style, and title of “The Commissioners of the Presbyterian Church of St. Andrew,” to sue and implead, be sued and impleaded, answer and be answered unto, in any Court of Record, or elsewhere in law and equity, in all actions and causes whatsoever for, touching, or concerning any matter or thing appertaining to the said Corporation.

Incorporates certain persons as Commissioners of the Presbyterian Church of St. Andrew with continuance and succession for ever.

2. The minister and elders of the said Presbyterian Church of Saint Andrew shall receive all monies raised for, or in any way contributed towards a sustentation fund for the maintenance of such church, or any other in connection therewith, and also all sums given, subscribed or bequeathed thereto or in support thereof, or which shall be payable to them in their capacity as trustees, or be liable to their control; and they shall pay and apply such monies and sums as they shall from time to time think fit and determine with, and subject, however, to the approval of the congregation of the said church of Saint Andrew, testified at a meeting of the members thereof to be specially called for the purpose.

Powers to raise and apply funds as trustees of church.

Trustees may invest money without being liable for loss.

3. The said ministers and elders may from time to time invest the sustentation fund, and all other monies that shall come into their hands for the purposes of, or in connection with, the trusts vested in them, in any of the public stocks or funds or Government securities of the United Kingdom, or of The Bahamas, or any other Colony or dependency of the United Kingdom, or of the United States of America, or any particular State, or upon mortgage of real securities; and no trustee 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 said minister and elders from time to time, at their discretion, may vary or transfer such stocks, funds, and securities into or for others of the same or like nature.

Treasurer's receipt a sufficient discharge.

4. It shall be lawful for the said minister and elders from time to time appoint a treasurer, who shall hold his office on such terms as they shall determine; and the receipt in writing of the treasurer, or of the minister, or any of the elders, authorised in that behalf by byelaw, for any monies paid, and for any stocks, funds, shares, or securities transferred to them, 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 application thereof.

Vacancies not to invalidate gifts, bequests, etc.

5. Any order, resolution, or proceeding of the said minister and elders, or any power by this Act conferred, or any gift, devise, or bequest to them or otherwise, for the benefit of the said church, or any congregation, mission, or charity connected therewith, shall not be invalidated by reason only of there being a vacancy in the office of minister or in that of elder or the said church of Saint Andrew.

Minister's election not restricted.

6. Nothing in the law now contained shall restrict, or be construed to restrict in any way whatever, the choice, election, or appointment by the congregation of the said church of Saint Andrew of a minister of any branch of the Presbyterian Church as the minister or assistant minister of the said church of Saint Andrew.