

Hamilton Parsonage Site Act 1904

Private Act 1904 No 1
Date of assent 26 September 1904

Contents

	Page
Title	1
Preamble	1
1 Short Title	2
2 Interpretation	2
3 Trustees may sell, lease, or exchange property	3
4 Sale or exchange subject to consent of General Synod	3
5 Term of leasing	3
6 Proceeds of sale or lease	4
7 Lands purchased subject to approval of Standing Committee and to trusts	5
8 Receipt of trustees sufficient discharge	5
Schedule	6

An Act to authorise the Trustees of Allotment Number Fifty in the Town of Hamilton West, held in Trust as the Site for a Parsonage for the Use of a Minister of the United Church of England and Ireland in New Zealand, to sell or lease the said Allotment, and to purchase other Freehold Lands and Hereditaments, or to exchange the said Allotment for other Freehold Lands and Hereditaments.

Preamble

WHEREAS by a deed dated the twentieth day of May, one thousand eight hundred and seventy-three, and made between John Carey, of Hamilton, surgeon, of the one part, and Patrick Leslie, of Tamahere, Alfred Cox, of Ohaupo, and Samuel Thomas Seddon, of Hamilton, Esquires, of the other part, the said John Carey conveyed and

assured unto the said Patrick Leslie, Alfred Cox, and Samuel Thomas Seddon, and their heirs, for and on behalf of the General Synod of the Branch of the United Church of England and Ireland in New Zealand, all that piece or parcel of land described in the Schedule hereto, with all the rights and appurtenances thereto belonging, upon trust that the said Patrick Leslie, Alfred Cox, and Samuel Thomas Seddon, or other the trustees for the time being, shall and do stand seised and interested in the said land for the site of a parsonage for the use of a minister of the United Church of England and Ireland in New Zealand: And whereas at the time the said land was conveyed in trust as aforesaid there was on the said land a building suitable for a residence for a minister as aforesaid, but such building is now decayed and useless, and there is now no building on the said land suitable for a residence for a minister as aforesaid: And whereas it is desirable to empower the trustees of the said land to exchange the same for other freehold lands and hereditaments, to be used as a site for a parsonage, with a residence for a minister thereon, or to sell or lease the said land, and with the money to arise from such sale or lease to purchase other freehold land and hereditaments, to be used as aforesaid:

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

1 Short Title

The Short Title of this Act is The Hamilton Parsonage Site Act 1904.

2 Interpretation

In this Act, if not inconsistent with the context,—

The trust property means all that piece or parcel of land described in the Schedule hereto, with all the rights and appurtenances thereto belonging

The Church means the Church of the Province of New Zealand, commonly called the Branch of the United Church of England and Ireland in New Zealand

The trustees means the body corporate, person, or persons in whom the trust property shall for the time being be vested for or on behalf of the General Synod of the Church.

3 Trustees may sell, lease, or exchange property

It shall be lawful for the trustees from time to time—

- (1) To sell and absolutely dispose of, either by public sale or private contract, all or any part of the trust property.
- (2) To lease all or any part of the trust property.
- (3) To exchange the whole or any part of the trust property for other freehold lands and hereditaments in Hamilton, and to give (out of any money in their hands applicable to such purpose) or to receive any money by way of equality of exchange.
- (4) To execute all such agreements, deeds, covenants, conveyances, and assurances, and do and perform all such acts and things, as the trustees may deem necessary for arranging and effectuating any sale, lease, or exchange hereby authorised to be made.

4 Sale or exchange subject to consent of General Synod

No sale or exchange of the trust property or of any part thereof shall be made by the trustees except upon a resolution of the General Synod of the Church authorising such sale or exchange.

5 Term of leasing

Any lease authorised by this Act may be—

- (1) For any term not exceeding sixty years without right of renewal; or
- (2) For any term not exceeding twenty-one years,—
 - (a) With a provision that the lessee, his executors, administrators, and assigns, may, at any time prior to the expiration of the term, have a new lease for a further term not exceeding twenty-one years, and containing the same covenants and provisions (including this present provision), at a rent to be fixed by valuation; or

- (b) With a provision that, prior to the expiration of the term, a new lease for a further term not exceeding twenty-one years, and containing the same covenants and provisions (including this present provision), shall be put up to public auction at the upset price of the annual value of the land only (to be fixed by valuation), without regarding the value of any buildings or improvements thereon, subject to a condition that in the event of any person other than the lessee, his executors, administrators, or assigns, becoming entitled to the new lease, then such person shall, before being let into possession, pay to the lessee, his executors, administrators, or assigns, the value of such buildings and improvements (to be fixed by valuation), whether erected or made by the lessee, his executors, administrators, or assigns, or any former lessee or tenant of all or any part of the lands included in the lease; or
- (c) With a provision that the lessee, his executors, administrators, or assigns may, at any time prior to the expiration of the term, at his or their option, either have a new lease as provided by subsection two(a) hereof or have a new lease put up to public auction under subsection two(b) hereof.

6 Proceeds of sale or lease

- (1) All money received by the trustees in respect of the sale or exchange of all or any part of the trust property under the provisions of this Act shall, after the deduction and payment of the costs and expenses of and incidental to such sale or exchange, and of preparing for and obtaining the passing of the Act which substituted this section for the original section, be held by the trustees for the sole benefit of the Cathedral Chapter of St Peter at Hamilton.
- (2) All money received by the trustees in respect of the lease of all or any part of the trust property under the provisions of this Act shall, after the deduction and payment of the costs and expenses of and incidental to such lease, be applied by the trustees in payment of two-thirds of the remainder of such money to the Cathedral Chapter of St Peter at Hamilton for the

maintenance or staffing of the Cathedral church of St Peter at Hamilton and one-third of such remainder to the Vestry of the Parish of St George at Frankton.

Paragraph (b) of the original section 6 was substituted, as from 1 October 1925, by section 142 Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46).

Paragraph (b)(ii) of the original section 6 was substituted, as from 16 November 1937, by section 2 Hamilton Parsonage Site Amendment Act 1937 (1937 No 1(P)).

The words “twelve hundred dollars” and “one hundred and fifty dollars” were substituted, as from 10 July 1967, for the words “six hundred pounds” and “sevnty-five pounds” respectively pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

This section was substituted, as from 9 June 1994, by section 2 Hamilton Parsonage Site Amendment Act 1994 (1994 No 4(P)).

7 Lands purchased subject to approval of Standing Committee and to trusts

No lands or hereditaments shall be purchased or acquired by the trustees as a parsonage-site under the provisions of this Act until such site shall have been approved in writing by the Standing Committee of the Auckland Diocese of the Church: and all lands and hereditaments purchased or acquired by the trustees as aforesaid shall be conveyed to the trustees for or on behalf of the General Synod of the Church, and shall be held by the trustees subject to the same powers, trusts, and conditions as affect or are applicable to the trust property, including the powers conferred by this Act.

8 Receipt of trustees sufficient discharge

The receipt in writing of any trustees or trustee, or of any agent duly authorised in that behalf, shall be a good and effectual discharge for all moneys paid to them or him in respect of any sale, lease, or exchange made or purporting to be made under the provisions of this Act, and shall exonerate the person or persons paying such money from all obligation of seeing to the application thereof; and it shall not be incumbent on any purchaser or other person to or with whom any sale, lease, or exchange shall be made to inquire as to the necessity for or

the propriety of such sale, lease, or exchange, or otherwise howsoever.

Schedule

ALL that parcel of land in the Provincial District of Auckland, containing by admeasurement 1 acre, more or less, and being Allotment No 50 in the Town of Hamilton West, Parish of Te Rapa. Bounded towards the north-east by a line, 236 links; towards the south-east by Allotment No 51, 419 links; towards the south-west by a street 150 links wide, 235 links; and towards the north-west by Allotment No 49, 422 links.