

New Zealand.



ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Section 3 of principal Act amended.
4. Section 4 of principal Act amended.
5. Section 6 of principal Act amended.
6. Section 9 of principal Act as to disinterment amended.</p> | <p>7. Application of rents of the Church acre.
8. Section 10 of principal Act repealed.
9. Power of trustees to convey to the Board part of the existing vicarage-site for new church and schoolroom.
10. Extension of the powers of section 11 of principal Act as to mortgages.
11. Application of sections 12 and 13 of principal Act.</p> |
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1917, No. 1.—*Private.*

AN ACT to amend the Wanganui Church Acre Act, 1910. Title.
[18th August, 1917.]

WHEREAS by the Wanganui Church Acre Act, 1910 (hereinafter Preamble. called the principal Act), all that piece of land described in the Schedule to the said Act, containing by admeasurement one acre, more or less, being the sections numbered 166, 167, 168, and 169 upon the plan of the Town of Wanganui (in the said Act and this Act referred to as the said allotment), was declared to be vested in the Wellington Diocesan Board of Trustees (in the principal Act and in this Act referred to as the Board) upon trust for the General Synod of the Church of the Province of New Zealand, commonly called "The Church of England" (in the principal Act and this Act referred to as the General Synod), for the use and benefit of the Parish of Wanganui and the parochial districts of Wanganui and Aramoho, and so much of the Parochial District of Waverley-Waitotara as was included in the original Parish of Wanganui, or, in the case of the subdivision or alteration of boundaries, for the use and benefit of such parishes or parochial districts as shall within their boundaries include the whole or portions of the area now comprised within the Parish of Wanganui or the parochial districts of Wanganui and Aramoho, and such part as aforesaid of the Parochial District of Waverley-Waitotara, or any of them, and subject within the limits of such trusts to the direction and control from time to time of the Diocesan Synod, or of the General Synod on appeal from the Diocesan Synod, as provided by the constitution of the said Church : And whereas by section four of the principal Act power was given to the

Board to grant leases of part of the said allotment—namely, Sections 168 and 169, containing together two roods, more or less, or any part or parts thereof, subject to the consent required by that section, and to the conditions and with the restrictions thereby provided; and the said Act required that the rents arising from time to time from any leases granted in pursuance of the said powers should be applied towards the purposes set forth in section ten of the said Act: And whereas certain leases of part of the said Sections 168 and 169 have already been granted under the powers contained in the principal Act: And whereas no buildings standing on the said allotment at the time of the passing of the principal Act have been removed, and no new church has been erected or commenced on any portion of the said allotment referred to in paragraph (a) of section ten of the principal Act: And whereas it is now desired, in lieu of erecting a new church on that portion of the said allotment referred to in paragraph (a) of section ten of the principal Act, to remove the present church buildings from off the said allotment, and to erect a new church and schoolroom on other lands in the Town of Wanganui, being sections numbered 576, 577, 578, 589, and the eastern half of Section 590, on the plan of the said town, of which Section 589 and the eastern half of Section 590 face on the street known as “Victoria Avenue,” Wanganui: And whereas by a declaration of trust dated the twenty-sixth day of July, eighteen hundred and seventy-eight, Henry Haywood Godwin and Jonas Lockett, both therein described, declared they held the said Sections 578 and 589 and the eastern halves of the said Sections 577 and 590 upon trust, *inter alia*, so long as they or other the trustees for the time being under the said deed should in their absolute discretion consider it advisable to allow the said land and the buildings thereon, or any part thereof, to be held and occupied as a parsonage by the clergyman for the time being officiating in accordance with the doctrines of the Church of England in New Zealand in the church situate in the Town of Wanganui aforesaid, commonly known as “Christ Church,” and at the like discretion, out of the rents and profits arising from the said lands, to buy a new site for the said church, and to build a new church, but there is no express trust to allow any portion of such section to be used as a site for a church: And whereas part of the said lands lastly before mentioned—namely, Sections 589 and the eastern half of 590—are now used and occupied as such a parsonage, but the remainder of the said lands—namely, Sections 578 and the eastern half of 577—are now unoccupied: And whereas the said Sections 578 and 589 and the eastern halves of the said Sections 577 and 590 are now vested in Tom Boswall Williams, auctioneer, William Arthur Izard and George William Currie, solicitors, all of Wanganui, upon the trusts contained in the said declaration of trust of the twenty-sixth day of July, eighteen hundred and seventy-eight: And whereas Section 576 and the western half of Section 577 are now vested in the said Tom Boswall Williams, William Arthur Izard, and George William Currie upon the trusts contained in a declaration of trust dated the twelfth day of July, nineteen hundred and thirteen, such trusts being similar to those contained in the said deed of the twenty-sixth day of July, eighteen hundred and seventy-eight, but with a further trust especially empowering them to allow the said lands, or any part thereof, to be

used as a site for a church: And whereas the General Synod at its session held in the month of May, nineteen hundred and sixteen, directed the Board to apply for an Act of Parliament giving the Board in respect of the said Sections 166 and 167 the like powers as are provided by the principal Act in respect of the said Sections 168 and 169, save that the provisions of paragraphs (a) and (b) of section ten of the principal Act should be omitted from the proposed Act, and that in lieu thereof it shall be provided that all rents received in respect of the said allotment, whether under the principal Act or the said proposed Act, should be applied in manner set out in section seven of this Act: And whereas, in pursuance of section nine of the principal Act, such portions of the said Sections 168 and 169 as have been leased under the provisions of the principal Act have been carefully dug over, and all bodies buried therein have been reinterred in other portions of the said allotment that have not yet been leased: And whereas the Board has not raised on the security of the rents arising from the leases of Sections 168 and 169 any mortgage as empowered by section eleven of the principal Act: And whereas the rents arising from the portions of Allotments 168 and 169 that have been leased are in the hands of the Board, but have not as yet been applied for or towards any of the objects specified in section ten of the principal Act:

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

1. This Act may be cited as the Wanganui Church Acre Amendment Act, 1917, and shall form part of and be read together with the Wanganui Church Acre Act, 1910 (hereinafter referred to as the principal Act). Short Title.

2. In this Act, if not inconsistent with the context, — Interpretation.

“The trustees” means and includes Tom Boswall Williams, auctioneer; William Arthur Izard, solicitor; and George William Currie, solicitor, all of Wanganui, the trustees under the declarations of trust respectively dated the twenty-sixth day of July, eighteen hundred and seventy-eight, and the twelfth day of July, nineteen hundred and thirteen, or other the trustees or trustee for the time being under the said declarations of trust, or either of them, and duly appointed and acting under the terms of such declaration of trust respectively:

“The Parsonage” means the dwellinghouse for the clergyman for the time being officiating in accordance with the doctrines of the Church of England in New Zealand in the parish church for the time being of the Parish of Wanganui, which said church is now known as “Christ Church.”

3. Section three of the principal Act is hereby amended by omitting the word “or” in line eleven, and substituting the word “and.” Section 3 of principal Act amended.

4. Section four of the principal Act is hereby amended by omitting the words “(without any further or other consent than is required by the proviso to this section) to lease part of the said allotment—namely, Sections 168 and 169, containing together two roods, be the same a little more or less,” in lines two, three, four, and five of such section, and substituting the words “to lease the said allotment”; and Section 4 of principal Act amended.

by adding the word "or" at the end of subparagraph (ii) of paragraph (b) of such section; and by omitting the last proviso to the said section commencing with the words "Provided always that no lease" to the end of the said section.

Section 6 of principal Act amended.

5. Section six of the principal Act is hereby amended by striking out the words "Wellington Diocesan Board of Trustees" in line three of paragraph (c), and substituting therefor the word "Board."

Section 9 of principal Act as to disinterment amended.

6. Subsection one of section nine is hereby amended by omitting all the words in the said subsection following the word "over" in the sixth line thereof, and substituting therefor the following: "the said allotment, and disinter and remove therefrom any bodies buried therein before granting any lease of the same, or any part thereof not heretofore leased, or before erecting any buildings over the graves in which the same are buried, and to rebury all such bodies in consecrated ground elsewhere, or in a public cemetery."

Application of rents of the Church acre.

7. The rents arising from time to time from any leases granted in pursuance of the powers conferred by the principal Act and this Act, and the rents already received in respect of leases heretofore granted under the principal Act, shall be applied—

- (a.) In payment of the costs of and incidental to the preparing and passing of the principal Act and this Act:
- (b.) For or towards the cost of removing the present church buildings on the said allotment and erecting a church and schoolroom on portion of the said Sections 576, 577, 578, 589, and the eastern half of 590, Town of Wanganui: Provided that the area to be occupied by the said church and schoolroom, and the churchyard around the same, shall be such as shall be agreed upon between the Board and the Vestry of the Parish of Wanganui; and provided further than an access of not less than twenty feet in width to such church and schoolroom shall be given from the street known as "Victoria Avenue," Wanganui:
- (c.) For or towards the purchase from the said trustees of the lands held by such trustees under the terms of the said deed of trust of the twelfth day of July, nineteen hundred and thirteen, at a price equal to the purchase price paid to the vendor of such land by the said trustees:
- (d.) For or towards the cost of acquiring a new site for a parsonage to be approved by the said Board if the same shall be found necessary or desirable, and erecting thereon a new parsonage, or of removing the present parsonage to such new site or to a new position on any part of the said Town Sections 576, 577, 578, 589, and the eastern half of Section 590 other than such as shall be agreed upon as aforesaid, and utilized for the purposes of a church and schoolroom and a churchyard around the same:
- (e.) For or towards the cost of acquiring a site for a church in those parts of Wanganui known as "St. John's" or "St. John's Hill," to be approved by the said Board, and erecting thereon a new church, or for or towards the cost of removing to such last-mentioned site and re-erecting thereon the present church known as "St. John's":

- (f.) Towards payment for the lands in the Gonville district, being Lots 53, 54, 55, and part of Lots 56 and 57, deposited plan Number 2260, and all the land in certificate of title, Volume 204, folio 158, Wellington Register, acquired in nineteen hundred and eleven by the said Vestry, and on which a church has been erected, and towards the cost of the erection of such church :
- (g.) Towards such other purposes for the benefit of the Parish of Wanganui and the parochial districts of Wanganui and Aramoho, and such part as aforesaid of the Parochial District of Waverley-Waitotara, or such parish or parishes or parochial district or districts as may hereafter enclose within their boundaries the whole or portions of the area now comprised within the Parish of Wanganui or the parochial districts of Wanganui and Aramoho and the said part of the Parochial District of Waverley - Waitotara, or any of them, as the Diocesan Synod (subject to appeal to the General Synod as provided by the constitution of the Church) may from time to time direct: Provided that all such churches and other buildings towards which the said rents are to be so applied shall belong to the Church of the Province of New Zealand, commonly called "The Church of England."

8. Section ten of the principal Act is hereby repealed.

Section 10 of principal Act repealed.

9. The said trustees are hereby empowered, without any further authority than this Act, to convey to the Board such portions of the land held under the said declaration of trust of the twenty-sixth day of July, eighteen hundred and seventy-eight, as may be agreed upon as aforesaid and required for the site for the new church and schoolroom, and for a churchyard around the same, and for an access of not less than twenty feet in width to such church and schoolroom from the Victoria Avenue, as mentioned in paragraphs (b) and (c) of section seven hereof, without requiring any consideration for the lands so conveyed.

Power of trustees to convey to the Board part of the existing vicarage-site for new church and schoolroom.

10. The powers given to the Board by section eleven of the principal Act in respect of the rents to accrue from any portions of the said allotment leased under section four thereof for the purposes mentioned in section ten thereof shall be exercisable by the Board in respect of the rents accrued or to accrue due from any leases of the said allotment, or any part thereof, whether granted before or after the passing of this Act, for all or any of the purposes mentioned in the paragraphs of section seven hereof, and the provisions of the said section eleven shall be deemed to apply to the exercise by the Board of such powers in respect to such purposes or any such purpose.

Extension of the powers of section 11 of principal Act as to mortgages.

11. The provisions of sections twelve and thirteen of the principal Act shall be deemed to extend to and apply to all the provisions of this Act in amendment or substitution for the provisions of the principal Act.

Application of sections 12 and 13 of principal Act.