

Mr. J. Bollard.

METHODIST CHARITABLE AND EDUCATIONAL TRUSTS
ACT AMENDMENT.

[PRIVATE BILL.]

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A BILL INTITLED

AN ACT to amend the Methodist Charitable and Educational Trusts Act, 1911. Title.

WHEREAS by the Methodist Charitable and Educational Trusts Act, 1911, certain lands are vested in the Board of the Wesley Training College for the support and upkeep of an institution or school, subject nevertheless to the general control and superintendence of the Conference of the Methodist Church of Australasia in New Zealand (now the Conference of the Methodist Church of New Zealand): And whereas it is considered that the said Board will be better able to administer and fulfil the trusts expressed in the said Act if the powers therein given are more clearly defined, and if such further and additional powers be given as hereinafter appear: And whereas, in particular, it is considered expedient that a certain area of land covered by native bush, being part of the said Board's property in the vicinity of Waikowhai Park, shall be reserved for use in connection with such park: Preamble.

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 Methodist Charitable and Educational Trusts Act Amendment Act, 1914. Short Title.

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

“The principal Act” means the Methodist Charitable and Educational Trusts Act, 1911: Interpretation.

No. 28—1.

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Amendment.*

“The Board” means the Board of the Wesley Training College, constituted by the principal Act:

“The Conference” means the Conference of the Methodist Church of New Zealand.

Section 25 of principal Act amended.

3. Section twenty-five of the principal Act is hereby amended by adding the words “in the opinion of the Conference” after the word “when” in the second line. 5

Proviso to section 28 of principal Act amended.

4. The proviso to section twenty-eight of the principal Act is hereby amended by the addition of the following words: “or be expended in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale-money has been derived. And the power to sell shall be deemed to be a power to sell either for cash or on such terms and conditions as the Board shall deem advisable. 10

Powers—

5. Subject to the approval of the Conference being obtained in every case, the Board shall have and may exercise these further powers, viz.:— 15

To mortgage.

(a.) Power to mortgage any part or parts of its land:

Provided, however, that such power shall be exercised only for the purposes and in the manner hereinafter mentioned, that is to say:— 20

(i.) To pay the purchase-money or any part thereof for land acquired or to be acquired by purchase, or any money by way of equality of exchange payable for land acquired or to be acquired by exchange, by mortgaging the land so acquired or any other land held on the same trusts. 25

(ii.) To borrow money to be expended in carrying out such works as the Board is authorized by sections twenty-three and twenty-five of the principal Act to carry out and effect, or in otherwise effecting improvements to the Board’s lands or any part thereof, but so that the money borrowed shall be expended upon the land mortgaged or upon other land held on the same trusts. 30

(iii.) To pay off any existing mortgage effected over any part or parts of the Board’s lands by mortgaging such land or any other land held on the same trusts. 35

To exchange lands.

(b.) Power to exchange any part or parts of its lands for other freehold land in New Zealand, to be held on the same trusts as the land exchanged, and to pay or receive money as equality of exchange, but so that money received as such equality of exchange shall be expended only in the manner provided for the disposal of net proceeds of sales. 40

To lease for twenty-one years, or for building purposes for sixty years.

(c.) Power to lease any part or parts of its lands for any term not exceeding twenty-one years, or, if leased for building purposes, for any term not exceeding sixty years. Every such lease shall take effect in possession or within six calendar months from the date thereof, and shall reserve such rent and contain such covenants and provisions as the Board may deem reasonable. This power is in addition to the powers given by section twenty-two of the principal Act. 45 50

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6. Notwithstanding anything contained in the principal Act or in this Act, any sanction, approval, or consent required or authorized by the principal Act or by this Act to be given by the Conference may be given either by the Conference itself or by any person, body, or committee authorized by the Conference either generally or expressly in that behalf.

Consent of Conference.

7. It shall not be incumbent upon any purchaser, vendor, mortgagee, lessee, or other person to or with whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under the principal Act or this Act to inquire as to the authority or power in any respect of the Board to make any such sale, exchange, purchase, mortgage, or lease, and in particular it shall not be incumbent upon any such person to inquire whether the proposed dealing is consistent with the trusts on which the lands or other hereditaments proposed to be dealt with are held, or whether the authority of the Conference, or any person, body, or committee authorized by it, has been given where required by the principal Act or by this Act, or to inquire otherwise as to the propriety or regularity of the transaction or as to the application of any money received by the Board upon any such sale, exchange, or mortgage.

Purchaser, vendor, mortgagee, lessee, or other person not bound to inquire.

8. The Board shall have power, subject to the approval of the Conference, to lease that area of land described in the Schedule hereto, and hereinafter called "the reserve," to the Mount Roskill Road Board for use in connection with Waikowhai Park for a term of fifty years at a nominal rental. Upon the execution of the said lease the reserve shall be deemed for the said term of fifty years to form part of the Waikowhai Park and to be subject, *mutatis mutandis*, to the provisions of the Waikowhai Park Act, 1911.

Power to lease an area of land to Mount Roskill Road Board.

9. The Mount Roskill Road Board, its successors, or assigns is or are hereby empowered to take on lease as aforesaid and hold the reserve for a term of fifty years, and to pay therefor to the Board, its successors, or assigns such nominal rent as may be agreed upon, and also out of ordinary revenue to expend money in improving and maintaining the reserve for the benefit of the public in connection with Waikowhai Park.

Mount Roskill Road Board empowered to take area on lease, and expend money thereon.

SCHEDULE.

Schedule.

ALL that piece of land in the Provincial District of Auckland, containing 12 acres 2 roods and 12 perches, more or less, being part of Allotment 14 of Section 13 of the Suburbs of Auckland, as shown on a plan deposited in the Survey Office, at Auckland, under Number 17687.