

Hon. Mr. Millar.

OTAGO PRESBYTERIAN CHURCH BOARD OF PROPERTY.

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## A BILL INTITULED

Title. AN ACT consolidating certain Acts of the General Assembly of New Zealand and Ordinances of late Provincial Council of Otago relating to the Otago Presbyterian Church Board of Property, and to certain Properties vested in such Board, and certain Deacons' Courts and Management Committees in connection with that Part of the Presbyterian Church of New Zealand in Otago. 5

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title. 1. The Short Title of this Act is "The Otago Presbyterian Church Board of Property Act, 1906."

Act to consolidate. 2. This Act is for the purpose of consolidating the various Acts and Ordinances specified in Schedule F hereto, which Acts and Ordinances are hereby repealed. 15

Appointments, &c., continued. 3. This Act shall apply to the corporations, committees, persons, things, and circumstances appointed or created by and existing or continuing under the Acts and Ordinances hereby repealed as if the same had been appointed or created or were existing under this Act. 20

Saving of other enactments. 4. For the purpose of preserving implied repeals and statutory modifications, every provision of this Act shall be construed subject to any enactment to which at the passing hereof such provision was subject in the Act from which it has been taken. 25

Interpretation. 5. In this Act, if not inconsistent with the context,—  
 "The Presbyterian Church of New Zealand" means the United Church referred to in "The Presbyterian Church of New Zealand Act, 1901":  
 "Synod" means the Synod existing in connection with that part of the Presbyterian Church of New Zealand situate in Otago and Southland and referred to in "The Presbyterian Church of New Zealand Act, 1901":  
 "Congregation" means any congregation or body of Christians within the Provincial District of Otago already or hereafter to be sanctioned by or which is or may be under the jurisdiction or control of the Synod:  
 "Deacons' Court" means the persons, whether incorporate or not, acting in the management of the temporal affairs of any congregation, and appointed according to the laws and usages of the said Church; and the fact of such persons acting as deacons shall be *prima facie* evidence of their having been properly and duly appointed as aforesaid. 30  
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*Constitution of Board.*

Church Board. 1875, section 2. 6. The Trustees for the time being acting under "The Presbyterian Church of Otago Lands Act, 1866," and appointed under this Act as aforesaid, and their successors in office, shall be and continue to be for ever hereafter one body politic and corporate in deed and in law by the name or style of "The Otago Presbyterian Church 50

Board of Property" (hereinafter referred to as "the said Board"), and by this name and style they and their successors in office may sue, prosecute, and shall be sued, plead, and be impleaded, defend, and be defended in any Court of judicature in New Zealand or else-  
 5 where, in the same manner and form and as fully and effectually as any person in New Zealand may or can do.

7. The said Board may have and use a common seal for the affairs and business thereof; and it shall be lawful for the said Board the same common seal from time to time to break, change, alter, or  
 10 make new as to the said Board shall seem expedient.

Common seal.  
 1866, section 3.

8. By the name aforesaid the said Board shall have perpetual succession, and at all times hereafter shall be able and capable in law to purchase, acquire, have, take, hold, receive, and enjoy all or  
 15 any property, real or personal, whatsoever in the most full and ample manner that may be allowed by law.

Perpetual succession.  
 1875, section 4.

*Meetings of Board.*

9. At all meetings of the said Board such Trustee as the Trustees present shall choose to be chairman shall preside, and such  
 20 presiding chairman in all cases of equality shall have a casting-vote only.

Chairman.  
 1866, section 13.

10. Unless three members are present no meeting of the said Board shall be constituted for the transaction of business. All questions to be decided at a meeting of the Board shall be decided  
 by a majority of Trustees present.

Quorum.  
 1866, section 13.

11. Minutes of the proceedings of such meetings shall be drawn up and fairly transcribed in a book to be kept for that purpose, and shall be signed by the chairman of the meeting at which such  
 35 proceedings took place.

Minutes of meeting to be kept.  
 1866, section 14.

12. Any three of the Trustees, by requisition signed by them for that purpose, may call upon the factor to convene a meeting of the  
 30 said Board, and in all cases where the factor shall refuse or neglect so to do the said three Trustees may call a public meeting, by public notice to be signed by them, stating therein the time and place of meeting.

Factor to convene meeting on requisition of three Trustees.  
 1866, section 15.

13. Previous to any meeting of the Board (excepting cases of emergency, when it may be convened within less time), notice to  
 35 attend such meeting, signed by the factor, shall be sent through the post-office or delivered to each Trustee not less than three days before the time appointed for such meeting.

Notice of meetings.  
 1866, section 16.

40 *Factor.*

14. The Board may appoint any one of its own number, or any other fit person, to be its factor or agent, and may order payment to  
 45 him of such salary, allowance, or commission as to the said Board shall seem reasonable; and such factor or agent shall hold his office during the pleasure of the Board, and give such security for the due execution of his office as it shall think fit.

Appointment of factor.  
 1866, section 17.

15. The Board, by resolution passed at any meeting thereof, shall have the power to remove from office every such factor or  
 agent, who shall immediately upon any and every such removal

Removal of factor.  
 1866, section 18.

deliver up an account to the Board for all moneys, goods, account-books, papers, deeds, and muniments of title belonging to or concerning the Board which shall be in his possession or under his control.

*Contracts.*

How contracts to be made, varied, or discharged.  
1875, section 11.

16. Contracts on behalf of the said Board may be made, varied, or discharged as follows, that is to say :— 5

(a.) Any contract which if made between private persons would be by law required to be in writing under seal or by deed may be varied or discharged in the name and on behalf of the said Board in writing, under the common seal of the said Board, attested by at least three of the Trustees acting for the time being; and the fact that such Trustees purporting to act or sign as such shall be *prima facie* evidence of their being such Trustees. 10

(b.) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made, varied, or discharged in the name and on behalf of the said Board in writing, signed by any person acting under the express authority of the said Board. 15 20

(c.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced in writing, may be made, varied, or discharged by parol in the name and on behalf of the said Board by the factor thereof for the time being acting under the express authority of the said Board. 25

*Appointment of New Trustees.*

Appointment of new Trustees.  
1866, section 24.

17. If any present Trustees or Trustee, or any future Trustees or Trustee to be appointed in the place or stead of any of them as hereinafter mentioned, shall die, desire to be discharged, or go to reside out of the Provincial District of Otago, or cease to be members or a member of the Presbyterian Church of New Zealand, or be removed or suspended from membership thereof, or refuse or become incapable to act, or if the said Trustees or any or either of them shall become bankrupt or insolvent or be convicted of any treason or felony, then and in any of such cases, when and as often as the same shall happen, such Trustee or Trustees as aforesaid shall *ipso facto* cease to be members or a member of the said Board; and when and so often as a vacancy or vacancies in the office of Trustee shall so occur, the said Board shall thereupon, or as soon thereafter as conveniently may be at a meeting to be called for that purpose, nominate and appoint a fit and proper person or fit and proper persons to be a Trustee or Trustees in the place or places of the Trustee or Trustees so ceasing to be a Trustee or Trustees as aforesaid. 30 35 40 45

Evidence of appointment.  
1875, section 10.

18. In appointing new Trustees it shall be sufficient for all purposes to enter in a book of the said Board a minute in the form of or to the effect set forth in Schedule G hereto; and such minute, if attested by at least one witness, shall be conclusive evidence of

such appointment, and shall be *prima facie* evidence of any other statement therein contained. And it shall not be necessary to prove in any proceeding or matter that any Trustee has been appointed hereunder, and all acts done by any such Trustee shall be valid notwithstanding any defect that may afterwards be disclosed in his appointment.

*Ecclesiastical and Educational Fund.*

19. The lands described in Schedules A and B hereto shall be and continue to be vested in the said Board; and the said lands, and all lands and hereditaments which shall or may hereafter be purchased with funds belonging to the Ecclesiastical and Educational Fund hereinafter referred to, or which shall otherwise be acquired by the Board for the purposes of the said fund (hereinafter called "the trust lands"), shall be held by the said Board upon the trusts, interests, and purposes hereinafter declared concerning the same.
20. The said Board shall receive and take the annual rents, issues, and profits, and all other sums becoming payable in respect of the said trust lands.
21. In the month of January in each year the said Board shall furnish to the Synod a statement in writing of all the sums received by the said Board in respect of the said rents, issues, and profits, and other sums received by it in respect of the said trust lands; and also of all sums lawfully paid by it in respect of the said trust lands during the year ended on the thirty-first day of December immediately preceding.
22. Two-thirds of the clear proceeds of the said rents, issues, and profits shall each year be applied by the said Board, in accordance with such regulations to be made in manner hereinafter mentioned as the said Synod shall from time to time prescribe, solely for the purpose of building or repairing manses and churches in the Provincial District of Otago, and for endowing or aiding in the endowment in the said Provincial District of Otago of any theological chair or chairs in connection with the Presbyterian Church of New Zealand in any college or university which has been erected or may hereafter be erected in the said Provincial District of Otago, or any or either of such purposes according to the said regulations, and shall be called "the Ecclesiastical Fund."
23. The said Board shall set apart the remaining one-third of the said clear proceeds for the purpose of forming a fund for educational purposes; and shall from time to time invest the same, in the name of the Board, in any of the modes of investment or securities hereinafter authorised, and shall receive the dividends, interest, and annual produce of the said securities and reinvest the same in or upon like securities so that the proceeds, securities, dividends, interest, and annual produce may accumulate, and the said fund so formed shall be called "the Educational Fund."
24. The said Board shall from time to time apply the said Educational Fund, in accordance with regulations to be made by the said Synod in manner hereinafter mentioned, in the erection or endowment of a literary chair or chairs in any college or university

Trust lands.  
1866, section 3.

Trustees to receive  
rents, &c.  
1866, section 5.

Trustees to furnish  
annual accounts.  
1866, section 6.

Two-thirds of rents,  
&c., to form an  
Ecclesiastical Fund.  
1866, section 7.

One-third of rents,  
&c., to form  
Educational Fund.  
1866, section 8.

Application of  
Educational Fund.  
1866, section 8.

which shall have been or be erected or shall be in existence in the Provincial District of Otago, or for either or both of those purposes.

Regulations of Synod, how to be made. 1866, section 10.

25. The regulations of the said Synod, to be made from time to time for the guidance of the said Board, shall be made in the following manner, that is to say : They shall be passed as an interim Act of the said Synod ; and a printed copy of such Act, together with a notice of the day on which the said Synod intend to finally adopt such regulations, shall be sent to each minister who shall for the time being be a member of such Synod, and to the session clerk of each congregation under the jurisdiction of the said Synod, to be submitted to the session of the congregation of which he is session clerk ; and each said session shall be entitled to appear before the said Synod and to be heard on the subject of such regulations before any such regulations as aforesaid shall be adopted by the said Synod, and before any alteration shall be made in any regulations which shall be already in force ; and it shall be lawful for the said Synod from time to time, after hearing the said several congregations, to pass and adopt such regulations, either with or without alterations or amendments, as to them shall seem expedient.

Professors of theological chairs to be appointed, &c., by Synod.

1866, section 11.

Professors of literary chairs to be appointed, &c., by Trustees.

1866, section 12.

Board to be authorised to convey certain lands to congregations.

1866, section 22.

26. Every professor of any theological chair that shall be endowed or aided in endowment as aforesaid shall be appointed and removable by the same Synod.

27. All professors to any literary chair as aforesaid, endowed in the whole or to the extent of two-thirds of such endowment from the said Education Fund, shall be appointed and removable by the said Board with the concurrence of the said Synod.

28. It shall be lawful for the said Board, by the direction of the said Synod, to convey and assure to any Deacon's Court incorporated as hereinafter mentioned for or on behalf of any congregation of the said Presbyterian Church of New Zealand in the Provincial District of Otago aforesaid any part or parts of the said lands specified and described in the said Schedule B, and of all such other lands as shall or may be hereafter purchased or acquired by the said Board for the purposes of the said trusts in respect whereof the lands in Schedule B are held, not exceeding fifty acres in all for any one such Deacon's Court, for the purpose of a site for a church, or for a manse and glebe, or for all or any of those purposes ; and such land when so conveyed and assured shall cease to be subject to the trusts of this Act.

Special Trust Properties.

Lands in Schedule C vested in Board.

1861, section 1 (p. 94)

Power to mortgage.

29. The lands described in Schedule C hereto shall be vested in the said Board upon the trusts, interests, and purposes hereinafter declared concerning the same.

30. It shall be lawful for the said Board, upon a requisition in writing addressed to it by any person duly authorised in that behalf by the said Synod, to mortgage the said lands described in Schedule C, or such part thereof as the said Synod shall request, for any sum not exceeding the amount of seven years' annual rental at which the said lands so mortgaged shall then be let, and that either by conveyance, by way of mortgage, lease, or assignment of any term or terms of lease granted :

Provided always that in no such mortgage shall there be contained or implied on behalf of the mortgagee, his executors, administrators, or assigns, any power of sale of the freehold estate of or in the said lands ; but only that on default in payment of the principal

5 sum or interest secured by such mortgage the mortgagee, his executors, administrators, or assigns, may enter into possession and draw the rents, issues, and profits of the lands mortgaged until the moneys secured to him or them shall be fully satisfied and paid.

10 31. All the rents, issues, profits, and proceeds arising from the pieces or parcels of land described in said Schedule C, and from the mortgage or other disposition thereof, shall be paid to the treasurer for the time being of the said Synod ; and the clear proceeds after deduction of the costs and other necessary expenses shall and may

Application proceeds.  
1861, section 4.

15 and repair of any church or manse in the Provincial District of Otago in connection with the said Presbyterian Church of New Zealand.

20 32. The treasurer of the aforesaid Synod shall annually, on the thirtieth day of September, account to the Synod for all sums received and paid by him for the preceding year out of the proceeds of the aforesaid properties described in Schedule C ; and such account shall be published in the New Zealand Government Gazette.

Publication of accounts.  
1861, section 5.

25 33. It shall be lawful for the said Board, with the consent in writing of a person duly authorised in that behalf by the said Synod, from time to time to convey and assure by way of sale, exchange, or otherwise any part or parts of such lands described in Schedule C hereto respectively for the purposes of a street, way, or thoroughfare upon and subject to such terms and conditions as the said Board, with such consent, shall think proper ; and all

Power to sell, &c., special trust properties for streets.  
1874, section 6.

30 moneys which may be received under the provisions of this section shall be applied and disposed of as the said Synod may direct ; and all lands acquired by way of purchase out of such moneys or exchange shall be held subject to the same or similar trusts as the lands sold and conveyed or given by way of exchange were respectively

35 held.

*College-site.*

34. The lands mentioned in Schedules D and E hereto shall be and continue to be vested in the said Board on the trusts, interests, and purposes hereinafter declared concerning the same.

Lands in Schedules D and E vested in Board.  
1903 Act.

40 35. The land described in the Schedule D hereto shall, subject to any lease existing of any part thereof, be held as a site for a college or other educational institution.

Site for college.  
1903, section 3.

45 36. All rents, profits, and proceeds now held or which may arise from the land described in the Schedule E hereto may be held in trust for or applied towards the erection and maintenance of a college or other educational institution on the land described in the Schedule D.

Maintenance of college.  
1903, section 4.

50 37. The said Board may, until the erection of any college or other educational institution on the said land described in Schedule D, lease all or any part of the said land described in such Schedule D, and, after the erection of any such college or other

Power to lease.  
1903, section 5.

educational institution, may lease any part of the said land described in the Schedule D which in the opinion of the Board shall not be required for the actual site of any building, upon any terms, provisions, powers, and authorities upon which the Board is empowered to lease the lands vested in it; and the Board may accept the surrender of all or any part of the said land described in Schedule D hereto. 5

Rents, &c., to be held in trust for erection of college. 1903, section 6.

38. The whole of the rents, issues, profits, and proceeds arising from the said land described in Schedules D and E respectively shall be held in trust for or applied towards the erection or maintenance of a college or other educational institution on the said land described in Schedule D hereto. 10

Power to invest moneys in certain securities. 1903, section 7.

39. The said Board may at any time, until any of the said rents, issues, and profits from the lands described in Schedules D and E are applied as aforesaid, invest the said rents, issues, and profits in real, or Government, or municipal securities for accumulation. 15

#### General Powers.

Board may alienate lands. 1884, section 2.

40. It shall be lawful for the said Board from time to time to sell, partition, exchange to or with any other body corporate, or any person or persons, all or any of the lands which now are or which may hereafter be vested in the said Board; and for the purposes aforesaid the said Board may execute all necessary deeds or other instruments, and upon the execution thereof all trusts and provisions affecting the lands purporting to be assured shall cease and determine: 20 25

Provided that no sale, partition, or exchange shall be made as aforesaid except with the consent of the Synod of the Presbyterian Church of Otago and Southland, evidenced by a writing under the hand of the moderator or clerk for the time being of such Synod:

Provided also that the powers given by this section shall not apply to the lands described in Schedules A and C respectively. 30

Board may construct streets, &c., on lands to be sold or leased. 1884, No. 21, section 3.

41. It shall be lawful for the said Board, with a view to any sales or leases of lands now or hereafter vested in the said Board, whether for buildings or otherwise, to lay out, make, and construct any streets, roads, drains, or other convenience in, over, upon, or under any part of such lands. 35

Board may invest moneys in purchase of land. 1884, section 4.

42. It shall be lawful for the said Board in its discretion to invest the moneys arising from any sales as aforesaid in the purchase of any lands in the Provincial District of Otago, which lands shall be held upon and subject to trusts similar to those upon which the lands from which such moneys shall have arisen were held. 40

Power to lease. 1866, section 19.

43. It shall be lawful for the said Board to demise or lease all or any part or parts of the lands held by it to any person or persons for any term of years absolute not exceeding twenty-one years, to take effect in possession and not in reversion, so as there shall be reserved on any such demise the best or most approved yearly rent or rents to be incident to the immediate reversion of the said land so to be demised that can reasonably be gotten for the same without taking any fine, premium, or foregift, and so as there be contained in every such demise a clause in the nature of a condition of re-entry for non-payment of the rent or rents thereby to be respectively 45 50



reserved, or for non-observance or non-performance of all or any of the lessee's covenants therein respectively contained so as the lessee or lessees do execute a counterpart thereof respectively and be not made dispunishable for waste.

6 44. It shall be lawful for the said Board in granting leases of lands or hereditaments now or hereafter vested in it to enter into agreements with the lessee, his executors, administrators, or assigns, for re-leasing the same, and for payment by the incoming tenant of any such lands or hereditaments to the outgoing tenant thereof or to  
10 the said Board on his behalf of the value of the buildings or other improvements on the land demised, or for the redemising of such land to such lessee, his executors, administrators, or assigns, of the demised premises in the event of no other person becoming entitled to a lease thereof; and for the purposes aforesaid the said Board may  
15 make or enter into all incidental covenants or agreements which it may deem necessary or desirable, and the payment of the value of such building or other improvements to the said Board shall not be deemed to be a fine, premium, or foregift.

Board may enter into agreements with lessees of lands.

1884, section 6.

Or for redemising.

20 45. It shall be lawful for the said Board to accept the surrender of any lease granted or that may hereafter be granted of any lands, and to determine any tenancy of any land, upon such terms as the said Board shall think fit, and to compromise with and make allowance to any tenant or tenants for any rent due or that shall become due in respect of any lands.

Surrender of leases.

25 46. It shall be lawful for the said Board from time to time to invest all or any moneys belonging to or under the legal control of such Board not required for immediate use in or upon the stocks, debentures, or other securities of the Government of the Colony of New Zealand, or in or upon the mortgage of freehold hereditaments  
30 or other real securities in the said colony, or in or upon the debentures or bonds of any Municipal Council, Harbour Board, Road Board, or other public body in the said colony, and from time to time to vary all or any of the said investments; and the income which shall arise from such investments and deposits shall be applied respectively in  
35 the same manner as the income from the property, real or personal, from which such moneys were derived would have been applied.

Board may invest moneys in Government or other securities.

1884, section 5, or deposit money in banks.

40 47. It shall be lawful for the said Board from time to time to agree to refer any questions, differences, or disputes between such Board and any other body corporate or any person or persons to arbitration in the same manner in all respects as any person may now do.

Arbitration in case of disputes.

1884, section 7.

45 48. It shall be lawful for the said Board from time to time, subject to such regulations as the Synod may make as aforesaid, to purchase or otherwise acquire lands in the Provincial District of Otago for church or for manse sites, or for glebes, or for all or any such objects, and for such purposes to apply part of the income from the said Ecclesiastical Fund:

Board may acquire lands for church-sites, &c.

1884, section 8.

Provided that no third person shall be concerned to inquire as to or be affected by such regulations.

*Deacons' Courts.*

50 49. It shall be lawful for the members of the Deacons' Court of any congregation under the jurisdiction or control of the said Synod to apply to the Registrar, at Dunedin, in the Provincial District of

Members of Deacon's Courts may be incorporated.

1875, section 14.

Otago, of the Supreme Court of New Zealand, by written application in the form or to the effect set forth in Schedule H hereto, signed by the chairman and clerk of such Court, to be made a corporate body; and upon receipt of such application such Registrar shall issue a certificate, in the form or to the effect set forth in Schedule I hereto, incorporating the members of the Deacons' Court making such application, and by the name mentioned in such certificate such members and their successors in office shall for ever thereafter be and be called one body politic and corporate in deed and law by such name and style, and shall have and may exercise all or similar powers, rights, and privileges to those mentioned or referred to in sections *five*, *six*, and *seven* of this Act; and the issue of such certificate or a certified copy thereof shall be conclusive evidence that all conditions precedent have been complied with and of the congregation named therein being under such jurisdiction or control aforesaid, and all Courts and persons shall take judicial notice of the signature and seal to such certificate and certified copy respectively.

Property to become vested.

1875, section 15.

50. Upon the issue of the certificate of incorporation of the members of any such Deacons' Court all property, whether real or personal, held by such members, or any of them, or by any other person or persons on behalf of the congregation, the members of the Deacons' Court of which shall have been so incorporated, shall thereupon vest, without any conveyance or other assurance, in such members and their successors in office by the name or style mentioned in such certificate, upon and subject to such trusts, and with and under the same powers of administration as may exist as regards such property respectively.

Remedies and powers vested in Deacons' Courts.

1875, section 16.

51. All rights, remedies, and powers existing at the date of incorporation, or which may afterwards exist or arise under, upon, or in respect of any deed, contract, instrument, matter, or thing made, entered into, or done by all or any of the former, existing, or future members of the Deacons' Court so incorporated, shall be exercised and enforced only by and against, as the case may be, the Deacons' Court so incorporated by the name and style thereof, and not otherwise.

Contracts may be made, varied, or discharged.

1875, section 17.

52. Contracts made on behalf of the members of any Deacons' Court incorporated as aforesaid may be made, varied, or discharged as aforesaid, that is to say:—

- (a.) Any contract which if made between private persons would be by law required to be in writing under seal or by deed may be varied and discharged in the name and on behalf of the said Court in writing under the common seal of the said Court attested by at least three of the deacons acting for the time being, and the fact of such deacons purporting to act as such shall be *prima facie* evidence of their being such deacons.
- (b.) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made, varied, or discharged in the name and on behalf of the said Court in writing, signed by any person acting under the express authority of the said Court.

5 (c.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made, varied, or discharged by parol in the name and on behalf of the said Court by any person acting under the express authority of the said Court.

10 53. Upon production to any District Land Registrar in the Province of Otago, appointed under "The Land Transfer Act, 1885," or any amendment thereof, of a Crown grant, certificate of title, or other instrument, and a statutory declaration or transfer by at least three of the persons therein named, or by any three of the persons acting as deacons of any Court incorporated as aforesaid, to the effect that the land mentioned or referred to in any such instrument is held on behalf of such Court, such Registrar shall cause such land to be transferred to or vested in the said Court in the name and style mentioned in the certificate of incorporation.

Land may be transferred to corporate name. 1875, section 18.

20 54. All acts done by persons purporting to act as members of any Deacons' Court incorporated as aforesaid shall be valid, notwithstanding any defect that may exist or be afterwards discovered in their appointment or qualifications.

Acts of Deacons' Courts valid notwithstanding defect in appointment. 1875, section 19. Property to be subject to control of Synod in certain events. 1875, section 20.

55. In the event of—

- 25 (a.) Any congregation ceasing to exist; or  
 (b.) The members of any congregation becoming so divided as to render the existence of such congregation in the opinion of the Synod undesirable; or  
 (c.) There being no person or body within the Province of Otago to convey, assign, or otherwise deal with property, whether real or personal, belonging to or held on behalf of any congregation; or  
 30 (d.) The persons or body corporate in whom or in which any such property is, shall, or may be vested refusing or neglecting to obey the directions of the Synod as hereinafter provided,—

35 then and in any of the said events all property, whether real or personal, held by the Deacons' Court (whether incorporated or not) of any such congregation, or by any other person or body on behalf thereof or otherwise, belonging thereto shall be held or disposed of, and the income and proceeds of such property applied as the Synod shall by resolution direct, and it shall be lawful for the moderator for  
 40 the time being of the Synod by a deed poll setting forth such resolution or the effect thereof, and attested by the clerk for the time being of such Synod, to assure, assign, or otherwise deal with the said property and the income or proceeds thereof as the said Synod by any such resolution may have directed; and such deed, if purporting to be  
 45 signed and attested as aforesaid, shall be evidence of the facts therein respectively stated, and shall effectually convey and assign in law and in equity the whole property and premises thereby purporting to be conveyed, assigned, or otherwise dealt with; and any such resolution or deed purporting to be signed and attested as aforesaid shall  
 50 be conclusive evidence of the existence of such Synod and of the happening of all conditions precedent:

Provided always that it shall be lawful for any person or body in whom or in which the said property or any part thereof is, shall, or may be vested to assure, assign, or deal with the same in terms of any such resolution in lieu of the said moderator.

Schedules.

## SCHEDULES.

## SCHEDULE A.

1. Section 43, Block III, Dunedin.
2. " 6, " V, "
3. " 8, " V, "
4. " 5, " VI, "
5. " 9, " VI, "
6. " 33, " VI, "
7. " 59, " VII, "
8. " 60, " VII, "
9. " 25, " IX, "
10. " 32, " IX, "
11. " 35, " IX, "
12. " 36, " IX, "
13. " 37, " IX, "
14. " 38, " IX, "
15. " 6, " XV, "
16. " 22, " XV, "
17. " 48, " XVI, "
18. " 32, " XVII, "
19. " 43, " VII, "
20. " 35, " III, "
21. " 5, Port Chalmers.
22. " 20, "
23. Section 19, Block VII, Dunedin; excepting thereout the lands described in conveyances registered Nos. 34537 and 88088 in the Deeds Registry Office at Dunedin, and also the land described in certificate of title, Register-book, Vol. cxxii, folio 98, of the Lands Registry Office at Dunedin.
24. Section 88, Block VI, Dunedin.
25. Section 16, Sawyer's Bay District; excepting thereout the lands taken by Proclamation copies whereof are deposited in the Lands Registry Office as Nos. 1348, 1358, and 1520.
26. Section 11, Lower Harbour West District; excepting thereout the lands described in conveyance registered No. 42078, and also the lands taken by Proclamation a copy whereof is deposited as No. 757.
27. Section 15, Lower Harbour District, west side.
28. Section 10, Block I, Lower Harbour West District.
29. Section 17, Upper Harbour District, east side.
30. Section 7, Block II, Anderson's Bay District.
31. Section 116, North-east Valley District.
32. Section 10, Block IV, Portobello District.
33. Section 117, North-east Valley District; excepting thereout the land described in conveyance registered No. 78204.
34. Section 17, Block VII, Town District.
35. Section 16, Block VII, Town District; excepting thereout the land described in conveyance registered No. 52956.
36. Section 15, Block VII, Town District; excepting thereout the lands described in conveyances registered Nos. 38080, 34537, and 52956.
37. Section 14, Block VII, Town District; excepting thereout the lands described in conveyances registered Nos. 34537, 38080, 52956, and 53203.
38. Section 13, Block VII, Town District; excepting thereout the lands described in conveyances registered Nos. 34537, 38080, and 53203.

39. Section 23, Block IV, Upper Kaikorai District; excepting thereout the land taken by Proclamation a copy whereof is deposited as No. 1407.
40. Section 5, Block VI, Town District; excepting thereout the land described in conveyance registered No. 34537.
41. Section 6, Block VI, Town District; excepting the land described in conveyance registered No. 34537.
42. Section 9, Block IV, Portobello District.
43. Section 9, Block I, Lower Harbour District, west side.
44. Section 22, Irregular Block, East Taieri District; excepting thereout those parts thereof described in conveyances registered Nos. 41752, 41753, and 43217.
45. Section 23, Irregular Block, East Taieri District; excepting thereout the land described in a Proclamation a copy whereof is deposited as No. 1412.
46. Section 24, Irregular Block, East Taieri District; excepting thereout the lands described in conveyance registered No. 41754, and in Proclamations copies whereof are deposited as Nos. 1412, 1448, and 1486.
47. Section 27, Irregular Block, West Taieri District.
48. Section 2, Block IV, West Taieri District.
49. Section 1, Block IV, West Taieri District.
50. Section 3, Block IV, West Taieri District.
51. Section 4, Block IV, West Taieri District.
52. Section 10, Block IV, West Taieri District.
53. Section 5, Block III, East Taieri District; subject in part to a right of way created by conveyance registered No. 43316, and excepting thereout the land described in conveyance registered No. 34537.
54. Section 6, Block III, East Taieri District; subject in part to a right of way created by conveyance registered No. 34537, and excepting thereout the land described in conveyance registered No. 34537.
55. Section 9, Block III, East Taieri District.
56. Section 10, Block III, East Taieri District.
57. Section 11, Block III, East Taieri District; excepting thereout the land described in conveyance registered No. 43216.
58. Section 1, Block IV, East Taieri District; excepting thereout the land described in conveyance registered No. 34537.
59. Section 2, Block IV, East Taieri District; excepting thereout the land described in conveyance registered No. 34537.
60. Section 7, Block VII, East Taieri District.
61. Section 8, Block VII, East Taieri District.
62. Section 4, Block VI, East Taieri District.
63. Section 5, Block VI, East Taieri District.
64. Section 6, Block VI, East Taieri District.

#### SCHEDULE B.

65. Sections 21 and 22, Block 41, Town of Oamaru.
66. Sections 8 and 9, Block VIII, Town of Waihola.
67. Section 18, Block VI, Clarendon District.
68. Sections 3, 4, and 5, Block II, Town of Herbert.
69. Sections 9, 10, 11, and 12, Block XXVI, Town of Molyneux.
70. Section 147, Block XVIII, Tokomairiro District.
71. Section 1 of 3, Block III, Otago Peninsula; excepting thereout the land described in conveyance registered No. 59061.
72. Section 45, Block II, Clarendon District.
73. Section 41, Block I, Warepa District.
74. Section 12, Block CI, Clutha District; excepting thereout the land described in conveyance registered No. 43959.
75. Sections 2 of 27 and 2 of 36, Block II, Clarendon District.
76. Section 16, Irregular Block, West Taieri District.
77. Section 87, Block VII, Town District; excepting thereout that part of the said section included in certificate of title, Register-book, Vol. cxxii, folio 98.

## SCHEDULE C.

ALL that parcel of land, situate in the Town of Dunedin, containing 1 rood 28 perches, more or less, being the reserve marked as the Manse Reserve (or Reserve No. 10) on the record-map of the said town, and also part of the land originally granted to the Superintendent of Otago for harbour-reclamation purposes. Bounded as follows: Towards the north-west by Princes Street as widened, 350 links; towards the north-east by Jetty Street, 210 links; towards the south-east by Bond Street, 350 links; and towards the south-west by part of Block 39, 215 links: be all the said measurements a little more or less.

Also all that parcel of land containing 13·3 perches, more or less, being part of Block XLIX on the record-map of the Town of Dunedin, and being all the land included in certificate of title, Register-book, Vol. xxxv, folio 193.

Also all that parcel of land being Reserve No. 4 on the map of the Town of Dunedin, excepting thereout those parts thereof contained in certificates of title, Register-book, Vol. xciv, folio 81, aforesaid, and Vol. lviii, folio 79, aforesaid, and also those parts thereof exchanged for street purposes.

Also all that parcel of land containing 2 roods 28 perches, more or less, being part of Reserve No. 4, and part of Block L on the public map of the said town, and being all the land included in certificate of title, Register-book, Vol. xciv, folio 81, of the said Lands Registry Office.

Also all that parcel of land containing 1 rood 14·2 perches, more or less, being part of Reserve No. 4, and parts of Blocks L and LII on the record-map of the town, and being all the land included in certificate of title, Register-book, Vol. lviii, folio 79.

## SCHEDULE D.

ALL that parcel of land, situate in the North-east Valley District, being section numbered 4 on the record-map of the said district.

## SCHEDULE E.

ALL that parcel of land, situate in the Town of Dunedin, being Reserve No. 5 on the plan of the said town, and being all the land more particularly described in Crown grant, registered No. 1794, to the Superintendent of the Province of Otago, dated the 28th June, 1858; excepting thereout that part of the said reserve now included in certificate of title, Register-book, Vol. xviii, folio 155, of the Lands Registry Office at Dunedin.

Also all that parcel of land situate in the said Town of Dunedin containing 17·7 perches, being part of the said Reserve No. 5 on the map of the said town, and being all the land included in certificate of title, Register-book, Vol. xviii, folio 55, of the Lands Registry Office at Dunedin.

Also all that piece of land containing 27 perches more or less, being block marked LI on the public map of the Town of Dunedin, and being all the land included in certificate of title, Register-book, Vol. xvii, folio 183, of the said Lands Registry Office.

## SCHEDULE F.

- (O. Ord.) 1861, Sess. 12, No. 53.—“The Dunedin Church Lands Ordinance, 1861.”  
 (Private) 1866, No. 2.—“The Presbyterian Church of Otago Lands Act, 1866.”  
 (O. Ord.) 1874, Sess. 33, No. 456.—“The Dunedin Presbyterian Church Lands Ordinance Amendment Ordinance, 1874.”  
 (Public) 1874, No. 68.—“The Presbyterian Church of Otago Lands Act 1866 Amendment Act, 1874.”  
 (Public) 1875, No. 5.—“The Presbyterian Church of Otago Incorporation Act, 1875.”  
 (Public) 1876, No. 9.—“The Otago Presbyterian Church Conveyance Validation Act, 1876.”  
 (Local) 1884, No. 21.—“The Otago Presbyterian Church Board of Property Amendment Act, 1884.”  
 (Public) 1885, No. 33.—“The Presbyterian Church Property Act, 1885.”  
 (Private) 1903, No. 2.—“The Presbyterian College Site Act, 1903.”  
 1868, No. 68.—“The Otago Surveys Correction Act, 1868.”

SCHEDULE G.

MEMORANDUM of the appointment of a new Trustee (or new Trustees) under and by virtue of "The Otago Presbyterian Church Board of Property Act, 1906," which has taken place at a meeting of the continuing or surviving Trustees appointed and acting under the said Act, duly convened and held for that purpose at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, of which \_\_\_\_\_ was chairman, and the following Trustees were present: namely [*Names of Trustees present*].

Names of all the Trustees under the said Act on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_:—

It was moved by A. B., and seconded by C. D., and carried, "That W. S. be and he is hereby appointed a Trustee under the said Act in place of the said resigned [*State cause*]."

Dated at Dunedin, in the Provincial District of Otago, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

A. B., Chairman.

Signed by the said A. B., as chairman of the said meeting, }  
and at and in the presence of the said meeting, on }  
the day and year aforesaid, in presence of }

C. D.,  
Of Dunedin, Accountant.

SCHEDULE H.

THE members of the Deacons' Court of [*Name*] Presbyterian Congregation, in the Provincial District of Otago, do hereby make application to the Registrar, at Dunedin, of the Supreme Court of New Zealand, to have the following persons and their successors in office, deacons for the time being of the said congregation, incorporated by the name or style of [*Here insert corporate name*], under the provisions of "The Otago Presbyterian Church Board of Property Act, 1906."

Names of the present deacons of the said congregation:—

[*Set forth names of all the deacons appointed and acting.*]

Dated at \_\_\_\_\_, in the Provincial District of Otago, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, and signed by the Chairman and the Clerk of the said Court for and on behalf of all the members of the said Court.

A. B., Chairman }  
C. D., Clerk } of the said Deacons' Court of \_\_\_\_\_

Signed by the said A. B., as Chairman, and C. D., as Clerk, }  
of the said Deacons' Court for and on behalf of all the }  
members thereof at and in the presence of a meeting }  
thereof.

Witness: L. K.,  
of [*Occupation and address*].

I, C. D., of [*Address and occupation*], do hereby solemnly and sincerely declare,—

1. That I am the Clerk of the said Deacons' Court.

2. That at a meeting of the members of the said Court, duly convened, it was resolved by at least two-thirds of the members present to make the said application in manner aforesaid.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justice of the Peace Act, 1882."

Declared by the said C. D., at \_\_\_\_\_, in the Provincial }  
District of Otago, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, }  
before me, one of His Majesty's Justices of the Peace }  
for the Colony of New Zealand.

## SCHEDULE I.

THIS certificate, issued under and in pursuance of "The Otago Presbyterian Church Board of Property Act, 1906," is to certify that all the present and future members of the Deacon's Court of [Name] congregation, in the Provincial District of Otago, have, this            day of            , been and they are hereby made a corporate body by the name and style of "The [Here insert corporate name]" under and by virtue of the said Act.

Given under my hand and seal, at Dunedin aforesaid, this            day of            , 19            .

[L.S.]

, Registrar.

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By Authority: JOHN MACKAY, Government Printer. Wellington.—1906