



DUNEDIN PRESBYTERIAN CHURCH LANDS ORDINANCE AMENDMENT ORDINANCE, 1874.

IN THE THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIII. No. 456.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Superintendent authorised to convey to Trustees acting under "The Presbyterian Church of Otago Lands Act 1866" the land comprised in the first and fourth Schedules hereto. Trusts upon which the same shall be held declared. 3. Trusts upon which land comprised in fifth and sixth Schedules hereto shall be held declared. 4. Alteration made in second and third sections of "The Dunedin Church Lands Ordinance, 1861." 5. Power to appoint new Trustees. 6. Power to Trustees to sell or exchange and acquire lands. 7. Sections twenty-one twenty-three and twenty-five of "The Presbyterian Church of Otago Lands Act 1866" to apply to</p>	<p>land in first and second Schedules of the "Dunedin Manse Reserve Ordinance 1872" and to land in first fourth fifth and sixth Schedules hereto. 8. Former trusts to determine. 9. Superintendent to offer lease of land in second and third Schedules for sale at an annual rental. 10. Superintendent to offer lease of land in second and third Schedules for sale at a nominal rental. 11. Superintendent authorised to sell land in second and third Schedules. 12. Proceeds of sale of land in second and third Schedules to be paid to Provincial Treasurer and appropriated by Provincial Council. Schedules 1 to 6.</p>
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An Ordinance to authorise the Superintendent of the Province of Otago to vest the Lands mentioned in the first and fourth Schedules hereto in the Trustees acting under "The Presbyterian Church of Otago Lands Act 1866" also to authorise the leasing or sale of Lands mentioned in the second and third Schedules hereto also to declare the trusts upon which the Lands mentioned in the fifth and sixth Schedules hereto shall be held and also to give certain powers in respect of the Lands mentioned in the first fourth fifth and sixth Schedules hereto.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 15TH JUNE, 1874.]

WHEREAS the lands mentioned and described in the first second and third Schedules hereto are held by the Superintendent of the Province of Otago upon trust as a site for the First or Principal Church of the

Presbyterian Church of Otago: And whereas the lands mentioned and described in the fourth Schedule hereto are held by the said Superintendent upon trust for a site for a church and school-house in connection with the Presbyterian Church of Otago: And whereas by the "Dunedin Church Lands Ordinance 1861" the management and administration of *inter alia* the said several lands are vested in the Presbyterian Church of Otago: And whereas for the better regulation and management of the several lands of the Presbyterian Church of Otago an Act of the General Assembly of New Zealand was passed entitled "The Presbyterian Church of Otago Lands Act 1866:" And whereas under and by virtue of the "Dunedin Manse Reserve Ordinance 1872" the lands mentioned and described in the first and second Schedules thereto have been vested in the trustees under "The Presbyterian Church of Otago Lands Act 1866:" And whereas the Presbyterian Church of Otago has agreed to grant to the said Superintendent the land mentioned in the second and third Schedules respectively hereto and in lieu thereof the said trustees have acquired the lands mentioned in the fifth Schedule hereto: And whereas the said trustees have also acquired the land mentioned in the sixth Schedule hereto: And whereas it is expedient that the several lands mentioned and described in the first and fourth Schedules hereto be vested in the trustees under such Act: Also that the powers of leasing and sale hereinafter mentioned may be given in respect of the lands mentioned in the second and third Schedules hereto: And also that certain trusts may be declared regarding the lands mentioned in the fifth and sixth Schedules hereto: And also that certain powers may be given in respect of the lands mentioned in the first fourth fifth and sixth Schedules hereto:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows:—

Short Title.

1. This Ordinance may be cited and referred to as the "Dunedin Presbyterian Church Lands Ordinance Amendment Ordinance 1874."

Superintendent authorised to convey to Trustees acting under "The Presbyterian Church of Otago Lands Act 1866" the land comprised in the first and fourth Schedules hereto. Trusts upon which the same shall be held declared.

2. It shall be lawful for the Superintendent of the Province of Otago and he is hereby required to convey and assure unto the trustees acting for the time being under the authority of "The Presbyterian Church of Otago Lands Act 1866" the several parcels of land mentioned and described in the first and fourth Schedules hereto and to execute all necessary deeds of conveyance and other assurances in the law for conveying and assuring the said two several parcels of land unto and absolutely vesting the same in the said trustees as joint tenants to be held as to the parcel of land described in the first Schedule hereto upon the same trusts as the same has been held heretofore and as to the parcel of land described in the fourth Schedule hereto upon the same trusts as the same has been held heretofore and with and under the same powers of administration and management as have been and are in force as regards the said two several parcels of land respectively.

Trusts upon which land comprised in fifth and sixth Schedules hereto shall be held declared.

3. The land mentioned and described in the fifth Schedule hereto shall be held upon the same or similar trusts and with and under the same powers of administration and management as are recited and declared in the "Dunedin Church Lands Ordinance 1861" in regard to the land thirdly described in the Preamble to such Ordinance and the land mentioned and described in the sixth Schedule hereto shall be held upon the same or similar trusts and with and under the same powers of administration and management as are in such Ordinance recited and declared in regard to the land secondly described in the Preamble thereto.

4. In lieu of the word "Superintendent" in the second and third sections of the "Dunedin Church Lands Ordinance 1861" there shall be read the words "the trustees acting for the time being under 'The Presbyterian Church of Otago Lands Act 1866'" and the provisions of such second and third sections requiring deeds to be executed with the Public Seal of the Province of Otago are hereby repealed and such trustees shall have and exercise all the rights remedies and powers under leases heretofore granted by the said Superintendent or by any trustees in pursuance of such Ordinance as though such leases respectively had been duly made by the said trustees acting for the time being under the said Act to the respective lessees therein named: And all rights remedies and powers existing or which may hereafter exist under any such leases or under any deed or agreement which may hereafter be entered into by any such trustees under or by virtue of such Ordinance or which exists or may hereafter exist in reference to all or any part of the lands mentioned or referred to in section five of this Ordinance shall be exercisable and enforceable as the case may be by and against the trustees acting for the time being under the said Act and them only.

Alteration made in second and third sections of the "Dunedin Church Lands Ordinance 1861."

5. When and so often as any new trustee or trustees shall be nominated and appointed under or by virtue of "The Presbyterian Church of Otago Lands Act 1866" all the several parcels of land mentioned and described in the first and second Schedules to the "Dunedin Manse Reserve Ordinance 1872" and the several parcels of land mentioned and described in the first fourth fifth and sixth Schedules hereto and all lands which may be acquired under section six of this Ordinance shall by virtue of such nomination and appointment vest in the surviving or continuing trustees or trustee of such several parcels of land and in such new trustee or trustees jointly or in such new trustees only jointly as the case may require and that without any transfer conveyance or other assurance whatsoever and every such new trustee or trustees shall and may on being appointed as aforesaid act in all things and assist in the management of carrying on and executing all trusts powers and authorities as fully and effectually as the trustee or trustees in or to whose place he or they shall be appointed might or could have done. And the minute or deed of appointment made under or by virtue of the said Act shall be conclusive evidence of such vesting of the said several parcels of land and of the truth of the other matters and things therein respectively stated.

Power to appoint new Trustees.

6. It shall be lawful for the trustees for the time being of the several parcels of land mentioned or referred to in the last preceding section with the consent in writing of a person duly authorised in that behalf by the highest Church Court for the time being of the Presbyterian Church of Otago from time to time to convey and assure by way of sale exchange or otherwise any part or parts of such several parcels of land respectively for the purposes of a street way or thoroughfare upon and subject to such terms and conditions as the said trustees with such consent shall think proper and all moneys which may be received under the provisions of this section shall be applied and disposed of as the said Court 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 held.

Power to Trustees to sell or exchange and acquire lands.

7. The powers and provisions of sections twenty twenty-one twenty-three and twenty-five of "The Presbyterian Church of Otago Lands Act 1866" so far as the same are or can be made applicable shall be incorporated in this Ordinance and apply to the several parcels of land mentioned and described in the first and second Schedules to the "Dunedin Manse Reserve Ordinance 1872" and also to the several parcels of land

Secs. twenty twenty-one twenty-three and twenty-five of "The Presbyterian Church of Otago Lands Act 1866" to apply to land in first and second Schedules of "The

Dunedin Manse Reserve Ordinance 1872" and to land in first fourth fifth and sixth Schedules hereto.

mentioned and described in the first fourth fifth and sixth Schedules hereto and also to any other lands which may be acquired under section six of this Ordinance as fully and effectually as if all the said several parcels of land mentioned or referred to in this section were included in the Schedule A to "The Presbyterian Church of Otago Lands Act 1866."

Former trusts to determine.

8. From and after the date on which this Ordinance shall come into operation the trusts under which the lands mentioned and described in the second and third Schedules hereto have been held shall cease and determine as regards such lands.

Superintendent to offer lease of land in second and third Schedules for sale at an annual rental.

9. It shall be lawful for the said Superintendent to offer for lease by public auction to the highest bidder at an annual rental for any term not exceeding ninety-nine years the lands mentioned and described in the said second and third Schedules hereto or any portion thereof in allotments of such size and form as he shall think fit and to execute all necessary deeds for demising and leasing the land so let as aforesaid to the lessee thereof at such auction his executors administrators and assigns for the term for which the same shall be so let.

Superintendent to offer lease of land in second and third Schedules for sale at a nominal rental.

10. It shall also be lawful for the said Superintendent from time to time to offer for sale by public auction the lease of any portion of the said lands mentioned and described in the second and third Schedules hereto at a nominal rental for any term not exceeding ninety-nine years and upon payment of the premium or purchase money from time to time to execute all necessary deeds for demising and leasing every portion of the lands so disposed of to the lessee thereof his executors administrators and assigns for the term for which the same shall be so let.

Superintendent authorised to sell land in second and third Schedules.

11. If instead of leasing the said parcels of land in the said second and third Schedules hereto it shall be deemed by the Superintendent expedient to sell the same it shall be lawful for the Superintendent and he is hereby authorised and empowered to sell such parcels of land or any part or parts thereof either altogether or in lots and either by public auction or by private contract or by both of such means and subject to such conditions as the said Superintendent may think fit and upon payment of the purchase money the said Superintendent may from time to time execute all necessary conveyances and other assurances in the law for conveying and assuring every portion of such land which may be so sold as aforesaid to the purchaser thereof his heirs and assigns for ever.

Proceeds of sale of land in second and third Schedules to be paid to Provincial Treasurer and appropriated by Provincial Council.

12. All moneys arising from the leasing and sale of the said parcels of land mentioned and described in the second and third Schedules hereto and every part or parts thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago and shall form part of the revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated.

FIRST SCHEDULE.

All that area situate in the Province of Otago containing by admeasurement four acres one rood and thirty-nine poles more or less being part of reserve granted to His Honor the Superintendent and numbered four (4) on the map of the City of Dunedin; bounded towards the north-north-west by Moray Place seven hundred and four and fourteen hundredths (704.14) links towards the east-north-east by sections thirteen (13) and twenty-two (22) block fifteen (XV) City of Dunedin and by other part of reserve numbered four (4) aforesaid six hundred and thirty (630) links towards the south-south-east by block fifty (L) City of Dunedin seven hundred and twenty-five (725) links; and towards the west-south-west by other part of reserve numbered four (4) aforesaid and sections six (6) and ten (10) block fifteen (XV) City of Dunedin five hundred and sixty-one (561) links.

SECOND SCHEDULE.

All that area containing by admeasurement twenty (20) poles more or less being part of reserve numbered four (4) aforesaid; bounded towards the west-north-west by section ten (10) block fifteen (XV) City of Dunedin two hundred and five (205) links; towards the east-north-east by other part of reserve numbered (4) one hundred and eighty-one (181) links; and towards the south by land granted to the Superintendent one hundred and fifty (150) links.

THIRD SCHEDULE.

All that area containing by admeasurement twenty-six (26) poles more or less being part of reserve numbered four (4) aforesaid; bounded towards the north-north-east by section thirteen (13) block fifteen (XV) City of Dunedin, two hundred and thirty-five (235) links; towards the south-east by Crown Lands two hundred (200) links; and towards the west-south-west by the other part of reserve numbered four (4) two hundred and fifty (250) links.

FOURTH SCHEDULE.

All that allotment or parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement two (2) roods and twenty-five (25) perches more or less being the reserve numbered five (5) on the plan of the Town of Dunedin described in the Crown Grant thereof as bounded on the north by Dowling-street two hundred and forty (240) links; on the east by the Harbour of Dunedin three hundred and sixty-five (365) links on the south by High-street one hundred and ten (110) links on the south-south-west by section forty-eight (48) block nine (IX) Dunedin seventy-five (75) links and on the west by sections fifty-three (53) fifty-four (54) and fifty-five (55) block nine (IX) Dunedin three hundred and seventy (370) links.

FIFTH SCHEDULE.

All that allotment or parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement one (1) rood and eighteen (18) poles more or less situate in the City of Dunedin aforesaid being block numbered fifty (L) on the map of the said City; bounded towards the north and north-west by area Crown-granted to the Superintendent in trust seven hundred and twenty-five (725) links, towards the north-east by Crown Lands sixty (60) links; towards the south-east by High-street seven hundred and four and two-tenths (704.2) links; and towards the south-west by area Crown-granted to the Superintendent in trust one hundred and twenty-nine (129) links.

SIXTH SCHEDULE.

All that allotment or parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement twenty seven (27) poles more or less situate in the City of Dunedin aforesaid, being block numbered fifty-one (LI) on the map of the said City; bounded towards the north-west by reserve numbered five (5) three hundred and sixty-five (365) links; towards the south-east by block numbered forty-nine (XLIX) two hundred and forty and eight-tenths (240.8) links; and towards the south-east by High-street one hundred fifty-two (152) links.

DUNEDIN, NEW ZEALAND:

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