

No. XXI.

AN ACT to render more simple and effectual the Titles by which Property is held for Religious Charitable or Educational Purposes in New Zealand.

RELIGIOUS CHARITABLE AND EDUCATIONAL TRUSTS.

[6th August, 1856.]

WHEREAS it is expedient to render more simple and effectual the titles by which property is held for religious charitable or educational purposes in New Zealand: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

1. Wherever any freehold or leasehold property has been acquired or hereafter shall be acquired by or on behalf of any religious denomination congregation or society or body of persons associated for religious or charitable purposes or for the promotion of education; and wherever the conveyance assignment or other assurance of such property has been or may be taken to or in favour of a Trustee or Trustees to be from time to time appointed, or of any party or parties named in such conveyance assignment or other assurance, or subject to any trust for any such denomination congregation or society or body of persons or for the individuals composing the same; such conveyance assignment or other assurance shall not only vest the freehold or leasehold property thereby conveyed assigned or otherwise assured in the party or parties named therein, but shall also effectually vest such freehold or leasehold property in their successors in office for the time being and the old continuing Trustees if any jointly, or if there be no old continuing Trustees then in such successors for the time being wholly chosen and appointed in the manner provided or referred to in or by such conveyance assignment or other assurance, or in any separate deed or instrument, declaring the trust thereof; or if no mode of appointment be therein set forth prescribed or referred to, or if the power of appointment be lapsed, then in such manner as shall be agreed upon by such denomination or by a body constituted to represent them, or by such congregation society or body of persons, upon such and the like trusts and with and under and subject to the same powers and provisions as are contained or referred to in such conveyance or assignment or other assurance, or in any such separate deed or instrument upon which such property is held, and that without any transfer assignment conveyance or other assurance whatsoever, anything in such conveyance assignment or other assurance or in any separate

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separate deed or instrument contained to the contrary notwithstanding: Provided always that in case of any appointment of a new Trustee or Trustees or of the conveyance of the legal estate in any such property being made as heretofore was by law required, the same shall be as valid and effectual to all intents and purposes as if this Act had not been passed.

Evidence of appointment how to be preserved.

2. For the purpose of preserving evidence of every such choice and appointment of a new Trustee or new Trustees and of the person or persons in whom such property shall so from time to time become legally vested, every such choice and appointment of a new Trustee or new Trustees shall be made to appear by some deed under the hand and seal of the Chairman for the time being of the meeting at which such choice and appointment shall be made, and shall be executed in the presence of such meeting, and attested by two or more credible witnesses; which deed may be in the form or to the effect of the Schedule to this Act annexed, or as near thereto as circumstances will allow, and may be given and shall be received as evidence in all Courts and proceedings in the same manner and on the like proof as deeds, and shall be evidence of the truth of the several matters and things therein contained.

Grants to be deemed and taken to have conveyed &c. the fee simple of the several allotments of land mentioned therein from the date of such grants.

3. And whereas certain grants from the Crown of land in the Colony of New Zealand have been made and issued, and certain conveyances and assurances of land in the said Colony have been signed and executed, granting conveying and assuring the several allotments or parcels of land in the said grants conveyances and assurances particularly described, to the office-bearers of different religious denominations and their successors: And whereas doubts have arisen as to the estate which in law has been granted conveyed or assured by the said grants conveyances and assurances respectively, and it is expedient that the said doubts should be set at rest: Be it therefore further enacted by the General Assembly of New Zealand as follows:—Whenever any such grant conveyance or other assurance shall have been made and issued or signed and executed other than to or in favour of a Corporation, sole or aggregate, the same shall be deemed and taken to have granted conveyed and assured, from the days of the date thereof respectively, unto the person or persons designated in such grant conveyance or assurance, his or their heirs and assigns, the fee simple in the allotments of land therein respectively described and purported to be granted conveyed and assured, subject nevertheless to the trusts if any in the said grants conveyances and assurances respectively set forth concerning the same.

Trustees empowered to convey trusts &c. to new Trustees, their heirs and assigns, under trusts of model deeds.

4. And whereas with regard to the lands in the said grants conveyances and assurances described, and also to the site of chapels, ministers' dwellings, and schools of the Religious Societies denominated Wesleyan Methodists, it is expedient to make provision for creating a succession of properly qualified Trustees according to the usages of the said Society, and for defining the manner in which the trusts upon which they are respectively held shall be fulfilled: Be it therefore further enacted by the said General Assembly:—It shall be lawful for the person or persons to whom any land or hereditaments have been or shall or may be hereafter granted or conveyed by the Crown or by any person or persons whomsoever for any estate or interest upon trust for the said Religious Society denominated Wesleyan Methodists, and for the survivors or survivor of such persons, or their or his heirs or assigns, and he and they are hereby authorized and required at any time, upon the request in writing of any three or more of the members of the said Society, to convey the said trusts premises lands and hereditaments to any number of Trustees to be nominated and elected according to the usages

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usages of the Society, not being less than three, and to their heirs and assigns, in order that the said trust premises lands and hereditaments may be fully and completely vested in such Trustees, their heirs and assigns, upon the trusts and for the ends intents and purposes, and with under and subject to the powers provisions agreements and declarations mentioned expressed and declared in a model deed of the people called Methodists, late in connection with the Reverend John Wesley, to be enrolled in Her Majesty's Supreme Court of New Zealand within ninety days after the passing of this Act, after proof shall have been made, to the satisfaction of His Excellency the Governor and the Executive Council, that the same is a deed recognized as a model deed of the said Society, such proof to be certified on the said deed by indorsement to be made by the Clerk of the said Executive Council: Provided always that it shall be lawful for any one or more person or persons to whom any such lands shall have been originally granted or conveyed upon trust for the said Religious Society to act as new Trustees or Trustee if and when duly nominated and elected as aforesaid for that purpose, and the said trust premises lands and hereditaments may be re-vested in or retained by him or them either alone or in conjunction with another Trustee or other Trustees, in the same manner as if he or they had been originally a Trustee or Trustees of the said land so required to be conveyed as aforesaid.

5. In the construction of this Act the term "Office Bearers" shall be deemed to include the Roman Catholic Bishop of Auckland and the General Superintendent of the Wesleyan Mission, and any Trustee or Trustees in whom land is vested in trust for that body or on behalf of the said Religious Society denominated Wesleyan Methodists.

Construction of
the term "Office
Bearers."

6. This Act may be cited for all purposes as "*The Religious Charitable and Educational Trusts Act, 1856.*"

Short Title.

SCHEDULE.

MEMORANDUM of the choice and appointment of new Trustees of the following properties, viz:—[*Description of property*] situate , at a meeting of [*Description of congregation society or body of persons*] duly convened and held for that purpose at or in [*Name of place*] on [*Date*] and of which [*Name of Chairman or President, A.B.*] was Chairman and President.

Names and description of all the Trustees on the constitution or last appointment of Trustees made day of

ADAM BELL, of
CHARLES DIXON, of
EDWARD FORSTER, of

Names and descriptions of all the Trustees in whom the said property now becomes legally vested:—

First. Old continuing Trustees,—

CHARLES DIXON, of
EDWARD FORSTER, of

Second. New Trustees now chosen and appointed,—

BENJAMIN ADAMS, of
JONATHAN EDMONDS, of

Dated this day

A.B.,
Chairman or President of the said Meeting.

Signed sealed and delivered by the said A.B., as Chairman or President of the said meeting, at and in the presence of the said meeting, on the day and year aforesaid, in the presence of

C.D.
E.F.