

NEW ZEALAND.



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XIX.

ANALYSIS.

- | | |
|--|--|
| <p>Title.
Preamble.
1. Short Title.
2. Trustees of Saint Andrew's Church appointed.
3. Succession of Trustees. Election of Trustees.
4. Effect of omission to elect.
5. Chairman and Treasurer.
6. Trustees may sue and be sued.</p> | <p>7. Trustees' indemnity in actions.
8. Trustees may hold real and personal property.
9. Certain lands to vest in the Trustees.
10. Certain lands may be conveyed to the Trustees.
11. Trustees may recover certain rents.
12. Trustees to have powers mentioned in Schedule.
13. Act not to interfere with internal arrangements of church.
Schedules.</p> |
|--|--|

AN ACT to Incorporate the Trustees of Saint Andrew's Church in the City of Wellington, in connection with the Church of Scotland, and for other Purposes. Title.
[15th September, 1873.]

WHEREAS it is desirable to incorporate certain Trustees of Saint Andrew's Church, in the City of Wellington, in connection with the Church of Scotland, and to give them perpetual succession, and to enable them to hold property and to collect rents due, and to grant leases and to confirm covenants, and to sue and be sued, and generally to manage the pecuniary affairs of Saint Andrew's Church : 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. The Short Title of this Act shall be "The Saint Andrew's Church (Wellington) Trustees' Incorporation Act, 1873." Short Title.

2. The Reverend Charles Simmers Ogg, Minister of Saint Andrew's Church, Wellington, for the time being, with Robert Rodger Strang, Charles William Schultze, Daniel McIntyre, William Gibson, Peter Laing, William James, James Wingate, and James Burns, shall be the first Trustees of the said Church under this Act, and shall hold office Trustees of Saint Andrew's Church appointed.

Saint Andrew's Church (Wellington) Trustees' Incorporation.

until the first day of January, one thousand eight hundred and seventy-four, or until their successors in office shall be appointed, as hereinafter provided.

Succession of Trustees.

3. These Trustees shall have perpetual succession in the following manner:—

Election of Trustees.

At a meeting of the members of the Congregation of Saint Andrew's Church, Wellington, called in accordance with the rules of the Established Church of Scotland, which shall be held in the month of January in every year, the Trustees for the time being, along with the members of the congregation present at such meeting, shall proceed to elect not more than eight nor less than four men to fulfil the intentions of the trust herein referred to, who shall hold office from the date of their election until the next election of Trustees, at which they shall be eligible for re-election.

Effect of omission to elect.

4. Whenever any such election shall fail to be made, or be ineffectually made, from whatever cause, the Trustees for the time being shall continue to hold office until a valid election shall be made.

Chairman and Treasurer.

5. The Trustees shall, within ten days after their election, meet and elect one of their number to be chairman, and appoint a treasurer. In case of the absence of the chairman from any meeting of the Trustees, the Trustees present may appoint one of their number to act as chairman during such absence. At every such meeting the chairman shall have an original vote, and also, in case of equal division of votes, a casting vote.

Trustees may sue and be sued.

6. The Trustees may sue and be sued in the name of their chairman, and no action suit or other proceeding to which the Trustees through their chairman shall be a party, shall abate or be discontinued by reason solely of the change of chairman, but may be continued, and judgment may be entered up for or against the Trustees in the name of their chairman for the time being.

Trustees' indemnity in actions.

7. In any actions or suits raised by or against the said Trustees, the property of the Corporation only shall be liable, and the Trustees shall incur no personal responsibility.

Trustees may hold real and personal property.

8. Real and personal property, including money, may be conveyed assigned and given to the said Trustees, and held by them in trust for the more effectual endowment of Saint Andrew's Church, Wellington, the support of the Minister thereof, and the maintenance of religious worship therein.

Certain lands to vest in the Trustees.

9. From and after the passing of this Act, and subject to any lease or leases by which any part of such lands are or purport to be leased, the lands described in the First Schedule hereto shall vest in the said Trustees and their successors in office: As to the church site, upon the same trusts as the same is now subject to; and as to the land at Palmerston, upon trust to apply the net rents thereof in or towards the support of the Minister, and the maintenance of religious worship in Saint Andrew's Church, in accordance with the trusts of the church site.

Certain lands may be conveyed to the Trustees.

10. It shall be lawful for the Trustee of the land mentioned in the Second Schedule to this Act to convey such land to the said Trustees and their successors in office, who shall hold the same in trust, to apply the net income thereof in or towards the purposes aforesaid.

Trustees may recover certain rents.

11. In the meantime, and until such conveyance shall be executed, it shall be lawful for the said Trustees to collect, distrain for, recover and receive the rents and arrears of rent of the land so described in the Second Schedule hereto, and, on behalf of such Trustee as aforesaid, to confirm any agreement for a lease thereof for the residue of any term of years for which the same has been agreed

Saint Andrew's Church (Wellington) Trustees' Incorporation.

to be let; and also, in case of the non-payment of the rent, to proceed to evict the occupier of the same land.

12. The said Trustees for the time being shall from time to time have all and singular the powers of selling exchanging and leasing the hereditaments vested in them, or any part thereof, as are set forth in the Third Schedule to this Act.

Trustees to have powers mentioned in Schedule.

13. Nothing in this Act contained shall be considered in any way to interfere with the trusts order discipline and regulations of the Saint Andrew's Church, Wellington.

Act not to interfere with internal arrangements of Church.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land in the Province of Wellington, in the Colony of New Zealand, containing by admeasurement two hundred and twenty-eight (228) acres one (1) rood and twenty-four (24) perches, more or less, being the Rural Sections numbered three hundred and sixty-four (364), three hundred and sixty-five (365), and three hundred and sixty-six (366), on plan of the Township of Palmerston, in the Manawatu District. Bounded towards the North-west by Section No. 363, two thousand seven hundred (2700) links, and by a public road one thousand three hundred (1300) links; towards the North-east by a public road two thousand three hundred and fifty (2350) links, and three thousand one hundred (3100) links; towards the South by the River Manawatu and by the Awa Puni Lagoon; and towards the West by the Awa Puni Lagoon; and conveyed by deed dated 3rd March, one thousand eight hundred and seventy-three (1873), by Isaac Earl Featherston to the Rev. Charles Simmers Ogg, of the City of Wellington, Official Minister of the Church of Scotland there, and others.

2. All that piece and parcel of land in the Town of Wellington, granted by the Crown on the 30th July, one thousand eight hundred and fifty-three (1853), to the Rev. William Kirton, Minister of the Established Church of Scotland in Wellington, Robert Rodger Strang, and others, in trust, to permit the said land to be for ever used and appropriated as and for a site for places of public worship, school houses, and other buildings for the Scotch Presbyterians of Wellington in connection with the Established Church of Scotland, excepting therefrom that portion of the land comprised in the above grant as is described in the Schedule to "The Wellington Supreme Court House Act, 1865."

SECOND SCHEDULE.

THAT land selected in right of a Land Order No. 858, issued by the New Zealand Company to the "Procurator for the General Assembly of the Church of Scotland for the time being," namely—

1. Section No. 680 on the plan of the City of Wellington, having a frontage to Hankey Street. Contents, 1 acre.

2. Section No. 27, and part of 28, on the plan of the "Small Holders' Block," in the Turakina District. Contents, 250 acres.

THIRD SCHEDULE.

1. The Trustees may sell and absolutely dispose of, either together or in parcels, and either by public auction or private contract, all or any part of the said trust property in respect of which no trust shall have been created inconsistent with the exercise of this present power, or may exchange the said property or any part thereof for any other

Saint Andrew's Church (Wellington) Trustees' Incorporation.

freehold hereditaments situate in the Province of Wellington, and give (out of any money in their hands applicable to such a purpose) or receive any money by way of equality of exchange, and may execute all such conveyances as may be requisite for effecting such sale or exchange.

2. Provided always that all money arising from such sale, or received by the Trustees for equality of exchange as aforesaid, after payment of the costs and expenses payable by the Trustees in relation to such sale or exchange, shall be expended in the absolute purchase of other freehold lands or hereditaments in the Province of Wellington.

3. All lands which shall be so purchased or received in exchange as aforesaid shall be held by the Trustees upon the like trusts as the property so to be sold or given in exchange was held subject to.

4. The Trustees may from time to time by any deed lease any portion of the trust property vested in them in respect of which no trust shall have been created inconsistent with the exercise of the present power, for any term not exceeding sixty years in possession and not in reversion, at such rent and subject to such covenants and provisos as the Trustees may deem reasonable, and may apply the rents of the property so leased to the purposes to which the annual income or proceeds of the trust property shall for the time being be properly applicable.

5. The receipt in writing of either of the Trustees, or of their agent duly authorized on that behalf, shall be a good and effectual discharge for all money paid to them or him under or by virtue of the trusts in them reposed, and shall exonerate the person or persons paying such money from all obligations of seeing to the application thereof, and from all liability on account of the loss misapplication or non-application thereof, and it shall not be incumbent on any purchaser or other person to or with whom such sale exchange or lease as aforesaid shall be made to inquire as to the necessity for or propriety of such sale exchange or lease.

6. Every Trustee shall be chargeable for such money only as he shall actually have received, although he shall have joined in any receipt for money received by any Co-trustee, and shall not be answerable for the act of any Co-trustee, nor for any loss which may arise by reason of any trust money being deposited in the hands of any banker society or agent, or for the insufficiency or deficiency of any security upon which the trust money or any part thereof may be invested, or for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default.

WELLINGTON, NEW ZEALAND :

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.