

(Hon. Mr. Acland.)

Diocese of Christchurch Church of England Lands.

ANALYSIS.

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Preamble.	
1. Short Title.	
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A BILL INTITULED

AN ACT to provide for the Sale or Lease of certain
Parcels of Land held under trust for purposes of
the Church of England, in the Diocese of Christ-
church.

WHEREAS certain parcels of land, being previously waste lands of
the Crown in the Diocese of Christchurch, have from time to
time been reserved by or on behalf of the Crown, or have been granted
or conveyed under the provisions of certain Ordinances of the Pro-
vincial Council of the Province of Canterbury, as sites for churches
parsonages and schools, and for other purposes, for the benefit of the
members of the Church of the Province of New Zealand, commonly
called the Church of England, and the said lands are now vested in
Trustees appointed for that purpose, and are held by such Trustees
upon the trusts and for the purposes for which the same have been
reserved granted or conveyed as aforesaid:

And whereas it is expedient that powers should be given to the
said Trustees, by and with the direction of the Synod of the said
Diocese, in session assembled, under the hand of the President of such
Synod, to convey by way of sale, or in exchange for other hereditaments,
or let, the lands heretofore reserved granted or conveyed and held in
trust as aforesaid, situate within the said diocese, or any part of such
lands:

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 Diocese of Christ-
church Church of England Lands Act, 1876.”

2. The Trustees for the time being in whom any lands shall have
been vested under or by virtue of any grant or conveyance from the
Superintendent of the Province of Canterbury, or under the provisions
of this Act, in trust for any religious charitable or educational purpose
for the benefit of members of the Church of the Province of New
Zealand, commonly called the Church of England, and in respect of
which no such powers as are hereinafter mentioned shall have been
given or created, shall, notwithstanding anything contained to the

contrary in any deed or other instrument relating to the said lands, or declaring the trusts thereof, with the consent of the Diocesan Synod of the Diocese of Christchurch, testified by writing under the hand of the President for the time being of the Diocesan Synod, have all and singular the powers of selling exchanging and letting such lands, or any part thereof respectively, as are particularly, set forth in the Schedule hereunto annexed.

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Exemption of lands from forfeiture on breach of condition.

3. All such of the said lands as shall have been declared to be liable to forfeiture or resumption on breach of any condition within a specified time, are hereby declared to be free from forfeiture or resumption in respect of such breach.

Schedule.

SCHEDULE.

1. Any Trustees or Trustee may, with the consent of the Synod of the Diocese under the hand of the President thereof, sell and absolutely dispose of, either together or in parcels, and either by public sale or private contract, all or any part of the said trust property, or may exchange the said trust property or any part thereof for any other freehold hereditaments situate in the Colony of New Zealand, and give (out of any money in their hands applicable to such purpose) or receive any money by way of equality of exchange, and may execute all such conveyances as may be requisite for effectuating such sale or exchange.

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

3. All property which shall be so purchased or received in exchange as aforesaid shall be held by the Trustees or Trustee in whom it shall become vested, upon such trusts as the property so to be sold or given in exchange was held subject to, or for such other ecclesiastical, educational, or eleemosynary purposes as the Synod of the Diocese, testified by writing under the hand of the President thereof, shall from time to time declare.

4. Any Trustees or Trustee may from time to time, with such consent as aforesaid, by any deed, lease any portion of the trust property vested in them or him to any person or persons for any term not exceeding twenty-one years in possession, and not in reversion, at such rent and subject to such covenants and provisos as they the said Trustees or Trustee 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. All such Trustees may from time to time lease any part of such land in respect of which no direction or regulation shall have been made by such Synod, for any term not exceeding sixty years, on such terms and subject to such covenants and provisos as shall be approved by the Synod, on behalf of which they shall hold such land, or by such person or persons as shall be authorized from time to time to approve on behalf of such Synod.

6. The receipt in writing of any Trustees or Trustee, or of any agent duly authorized in that behalf, shall be a good and effectual discharge for all money paid to them or him under or by virtue of this Act, and shall exonerate the person or persons paying such money from all obligation 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.

7. 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, or for any loss which may arise by reason of any trust money being deposited in the hands of any banker or agent, or from the insufficiency or deficiency of any security upon which the trust money or any part thereof may be invested, nor for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default.

8. If any Trustee or Trustees appointed by the Synod of any Diocese shall die or desire to be discharged, or refuse or become incapable to act, then and so often the Synod of such Diocese, or persons as may from time to time be authorized by the said Synod in this behalf, may appoint a new Trustee or new Trustees in the place of the Trustee or Trustees so dying or desiring to be discharged, or refusing or becoming incapable to act, in the manner prescribed by "The Religious Charitable and Educational Trusts Act, 1856."