



ANALYSIS

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1952, No. 37

Title.

AN ACT to extend the powers of the Whanganui College Board of Trustees, and to vary the trusts upon which the properties of that Board are held.

[22 October 1952

Preamble.

WHEREAS by Crown grant dated the thirteenth day of October, eighteen hundred and fifty-two, after reciting that a school was about to be established in Wanganui under the superintendence of the Right Reverend George Augustus, Lord Bishop of New Zealand, for the education of children of Her Majesty's subjects of all races, and of children of other poor and destitute persons being the inhabitants of islands in the Pacific Ocean, certain land in the district of Wanganui containing two hundred and fifty acres and thirty-two perches, more or less (which land is more particularly described in the First Schedule hereto), was granted unto the said George Augustus, Lord Bishop of New Zealand, and his successors to hold unto the said George Augustus, Lord Bishop of New Zealand, and his successors in trust

nevertheless and for the use and towards the maintenance and support of the said school so long as religious education, industrial training, and instruction in the English language should be given to the youth educated therein or maintained thereat: And whereas approximately thirty-nine acres of the said land were taken by the Crown by Proclamation in the year nineteen hundred and forty-seven: And whereas the balance of the said piece or parcel of land described in the First Schedule hereto is now vested (subject to the trusts declared by the said Crown grant) in a Board of Trustees incorporated under the Religious, Charitable, and Educational Trusts Boards Incorporation Act 1884 under the name of the Whanganui College Board of Trustees (hereinafter referred to as the Board of Trustees): And whereas the Board of Trustees has maintained, and is maintaining, two schools at Wanganui pursuant to and in terms of the said trusts: And whereas, pursuant to the Church of England Trusts Act 1913, the members of the Board of Trustees are appointed by the Wellington Diocesan Trusts Board, and the Board of Trustees is responsible to make periodical reports to the Synod of the Diocese of Wellington and to the General Synod: And whereas, with the object of best furthering the education contemplated in the said Crown grant, it is expedient that the industrial training referred to in the said Crown grant should be given by the Education Department at technical colleges fully equipped with the plant and apparatus necessary for modern industrial training and that the Board of Trustees, in consideration of the concession to the Crown hereinafter mentioned, should be released forever from their responsibility to give industrial training at the said schools and that the trusts declared by the said Crown grant should be varied accordingly: And whereas the Education Department already provides and will continue to provide industrial training at Wanganui: And whereas it is desirable further to clarify and define the trusts of the said Crown grant: And whereas the Board of Trustees has leased to the Wanganui Education Board under leases for terms of up to sixty years certain portions of the said land which are more particularly described in the Second Schedule hereto, and which leases are for the terms set

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forth in the Second Schedule hereto and do not provide for any compensation to the lessee for improvements: And whereas the Wanganui Education Board holds on renewable lease from the Board of Trustees certain other portions of the said land which are more particularly described in the Third Schedule hereto: And whereas the Wanganui Education Board has effected improvements of considerable value upon the land contained in all the aforesaid leases:

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

Short Title.

1. This Act may be cited as the Whanganui College Board of Trustees Empowering Act 1952.

Variation of terms of trust.

2. (1) As from the commencement of this Act the Board of Trustees shall hold so much of the land described in the First Schedule hereto as is for the time being vested in it and all moneys and assets of the Board of Trustees arising out of the trusts of the said Crown grant upon trust for the use and towards the maintenance of the schools at Wanganui known as Wanganui Collegiate School and St. George's Preparatory School as carried on at the commencement of this Act so long as religious education, and instruction in the English language, shall be given to the children of Her Majesty's subjects of all races educated therein or maintained thereat.

(2) Notwithstanding the provisions of subsection one of this section, the Board of Trustees shall set aside in each year out of the net income derived by it from such part of the land described in the First Schedule hereto as shall from time to time be held by the Board of Trustees the sum of four hundred pounds. The said sum of four hundred pounds shall be held by the Board of Trustees upon trust for the provision of scholarships or concessions at Wanganui Collegiate School or St. George's Preparatory School for the benefit of any scholar or scholars from the islands of the Pacific Ocean who shall, in the opinion of the Board of Trustees, be suitable and willing to receive instruction at either of the said schools and for whom accommodation at the said schools is available:

Provided that if in any year the full sum of four hundred pounds shall not be expended in the scholarships or concessions heretofore referred to in this subsection, then the unexpended balance of the said moneys shall be available for the purposes referred to in subsection one of this section.

(3) The trusts declared by the said Crown grant are hereby modified accordingly.

(4) Subsection two of section three of the Church of England Trusts Act 1913 is hereby amended by omitting the words "originally imposed by the said Crown grant", and substituting the words "set out in section two of the Whanganui College Board of Trustees Empowering Act 1952".

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3. The Board of Trustees is hereby empowered to release and abandon in favour of the Crown the rights of the Board of Trustees to the value of the improvements effected by the Wanganui Education Board as lessee of the land referred to in the Second and Third Schedules hereto and to accept the sum of sixty thousand pounds as the purchase price payable by the Crown for the freehold of the said land and the improvements erected thereon.

Power to sell
to Crown on
special terms.

4. The Wanganui Collegiate School Old Boys' Association (Incorporated), a body incorporated under the Incorporated Societies Act 1908, as trustee appointed pursuant to a deed of trust dated the nineteenth day of September, nineteen hundred and forty-nine, for the holders of debentures to the value of one hundred and twenty thousand pounds secured over the land described in the Second and Third Schedules hereto and other land, is hereby authorized to—

Power to
consent to sale.
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of Statutes,
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- (a) Consent to the Board of Trustees releasing and abandoning the rights, and selling the land specified in section three hereof:
- (b) Discharge all securities held by the said Association so far as the securities relate to the land specified in section three hereof.

Schedules.

SCHEDULES

FIRST SCHEDULE

ALL that area containing by admeasurement 250 acres 32 perches, more or less, being the Whanganui Industrial School Reserve comprised and described in a Crown grant dated the 13th day of October 1852, and registered in the Deeds Register Office at Wellington in deeds record book, Volume 9, folio 40, under Number 4332.

SECOND SCHEDULE

FIRSTLY, all that area containing by admeasurement 4 acres 2 roods, more or less, being Lots 27 to 34 inclusive and Lots 37 to 46 inclusive on a plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 103 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 128914, recorded in deeds record book, Volume 237, folio 242 (term 51 years commencing 16 April 1920), over that portion of the above-described land containing by admeasurement 4 acres 1 rood 20 perches, more or less, being Lots 27 to 34 inclusive, Lots 37 to 44 inclusive, and parts of Lots 45 and 46 on the plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve:

Subject also to outstanding deed of lease Number 147546, recorded in deeds record book, Volume 272, folio 682 (term 53 years 228 days commencing 31 August 1917) over that portion of the above-described land containing by admeasurement 20·36 perches, more or less, being part of Lots 45 and 46 on the plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve.

Secondly, all that area containing by admeasurement 1 acre 1 rood 32·79 perches, more or less, being part of the Whanganui Industrial School Reserve (part of that area comprising Lots 47, 49, and 51, and part of Lots 48, 50, and 52 on a plan lodged in the Deeds Register Office at Wellington under Number 73) and that area being part of the land comprised and described in certificate of title, Volume 477, folio 48 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 128914 recorded in deeds record book, Volume 237, folio 242 (term 51 years commencing 16 April 1920).

Thirdly, all that area containing by admeasurement 13·77 perches, more or less, being Lot 6 on a plan lodged in the Deeds Register Office at Wellington under Number 560, being

SECOND SCHEDULE—*continued*

part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folio 77 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 147548 recorded in deeds record book, Volume 272, folio 690 (term 45 years 10 months 16 days commencing 30 June 1925).

Fourthly, all that area containing by admeasurement 2 roods 22·3 perches, more or less, being Lots 1, 2, and 3 on a plan lodged in the Deeds Register Office at Wellington under Number 352, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folios 55, 56, and 57 (limited as to parcels), Wellington Registry.

Fifthly, all that area containing by admeasurement 1 acre 2 roods 29·96 perches, more or less, being Lots 28 to 35 inclusive on a plan lodged in the Deeds Register Office at Wellington under Number 352, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 104 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 147547 recorded in deeds record book, Volume 272, folio 686 (term 55 years 320 days from 1 June 1915).

Sixthly, all that area containing by admeasurement 1 rood 25·7 perches, more or less, being part of the land in deposited plan Number 3258, being part of the Whanganui Industrial School Reserve and being part of the land comprised and described in certificate of title, Volume 235, folio 19, Wellington Registry:

Subject to memorandum of lease Number 14107 (term 60 years from 1 January 1921).

Seventhly, all that area containing by admeasurement 20·08 perches, more or less, being part of the land in deposited plan Number 3258, being part of the Whanganui Industrial School Reserve, and being part of the land comprised and described in certificate of title, Volume 235, folio 19, Wellington Registry:

Subject to the free use and occupation by the lessee in memorandum of lease Number 14107, as more particularly described in memorandum of lease Number 14107.

Eighthly, all that area containing by admeasurement 2 roods 0·76 perches, more or less, being Lot 1, deposited plan number 3454, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 73, Wellington Registry.

Ninthly, all that area containing by admeasurement 5 acres 25·59 perches, more or less, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folio 45 (limited as to parcels), Wellington Registry:

 SECOND SCHEDULE—*continued*

Subject to outstanding deed of lease Number 147549, recorded in deeds register book, Volume 272, folio 695 (term 43 years 9 months from 1 January 1916) :

As the same are more particularly delineated on the plan marked L. and S. 55379, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged blue.

 THIRD SCHEDULE

FIRSTLY, all that area containing by admeasurement 2 roods, more or less, being Lots 35 and 36 on a plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificates of title, Volume 465, folios 85 and 86 (limited as to parcels), Wellington Registry :

Subject to memorandum of lease Number 24992 (term 21 years commencing 1 February 1949, with a right of renewal).

Secondly, all that area containing by admeasurement 1 rood 13 perches, more or less, being Lot 1 on a plan lodged in the Deeds Register Office at Wellington, under Number 245, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folio 4 (limited as to parcels), Wellington Registry :

Subject to memorandum of lease Number 19949 (term 21 years commencing 1 October 1933).

Thirdly, all that area containing by admeasurement 1 acre 10·7 perches, more or less, being part of Lots 11, 12, 13, and 14 on a plan lodged in the Deeds Register Office at Wellington under Number 245, being part of the Whanganui Industrial School Reserve, and being part of the land comprised and described in certificates of title, Volume 477, folios 14, 15, 16, and 17 (limited as to parcels), Wellington Registry :

Subject to memorandum of lease Number 22319 (term 15 years commencing 1 October 1939) :

As the same are more particularly delineated on the plan marked L. and S. 55379, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged green.
