

## [LOCAL AND PERSONAL.]

## Church Property Trust (Canterbury).

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## A BILL INTITULED

Title.

AN ACT for better Defining the Trusts and Purposes upon which certain Lands are held by the Church Property Trustees within the Diocese of Christchurch, and for the Conveyance to and Vesting in the said Church Property Trustees of certain other Lands, and for the better Regulation and Management of all Lands now or hereafter to be vested in the said Trustees.

Preamble.

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Ordinance, Session II. No. 3," it was enacted that certain persons therein respectively named, and all other persons as should be thereafter elected or appointed Trustees, and their successors, should be and they were thereby constituted a body politic and corporate by the name of "The Church Property Trustees," and by that name they should have perpetual succession and a common seal, and be for ever capable at law to purchase, receive, possess, and enjoy to them and their successors any goods and chattels whatsoever and wheresoever, and any messuages, lands, tenements, and hereditaments in the then Province of Canterbury, and also to lease, let, sell, alienate, mortgage, or otherwise dispose of such property, as well real as personal, as they should think proper, and also to act in the concerns of the said body politic and corporate as effectually as any person or persons might or could do in his or their respective concerns, for the purpose and object of establishing and maintaining ecclesiastical and educational institutions within the then Province of Canterbury in connection with the Church in communion with the Church of England and Ireland as by law then established :

And whereas by an Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Amendment Ordinance, 1867," it was enacted that certain of the persons acting in the concerns of the said body politic and corporate should cease to be members thereof, and that certain other persons and their successors appointed in the manner therein prescribed should be members of the said body politic and corporate, and that the members of the said body politic and corporate might frame and establish by-laws, rules, orders, regulations, and resolutions as might be expedient for the government of the said body politic and corporate and the management of the property and concerns thereof, and that the members of the said body politic and corporate should in all their acts and proceedings, by-laws, regulations, and resolutions conform to and obey all canons and ecclesiastical laws and regulations then or which should at any time thereafter be in force under the authority of the Synod touching or relating to the administration of the property of the said body politic or corporate : And whereas the said Trustees are seized to them and their successors of (amongst other hereditaments) certain messuages, lands, tenements, and hereditaments specified in the Schedules A. and B to this Act, in the Provincial District of Canterbury, being held by them in trust for ecclesiastical and educational purposes within the late Province of Canterbury, in connection with the said Church :

And whereas at the time when the said Trustees became seized to them and their successors of the said lands specified in the said Schedule A it was intended that the said lands should be set apart and

held in trust by the said Trustees as and for an estate for the said Bishop of Chirstchurch and his successors, and that the rents and annual income thereof should be applied by them towards the maintenance of the said Bishop and his successors: And whereas the said

5 Trustees have ever since carried out the said intention, and have set apart the said lands as and for such an estate as aforesaid, and have paid the rents and other annual income thereof towards the maintenance of the said Bishop: And whereas there has never been any formal declaration of any such specific trust of the said lands specified in the

10 said Schedule A: And whereas doubts have arisen as to whether it was intended that the whole of the rents, annual and other income, derived from the said lands should be paid and applied towards the maintenance of the said Bishop and his successors, or whether the surplus of the said rents, annual and other income, after providing for a

15 proper annual maintenance for the said Bishop and his successors, should not be paid and applied to other purposes connected with the providing of residences and the maintenance of officials and other persons who may hereafter assist or be employed in the carrying out of the duties and office of the episcopate within the Diocese of Christchurch as now existing and as described in Schedule C to this Act: And

20 whereas it is expedient that the trusts and purposes upon which the said lands specified in the said Schedule A are held or intended to be held by the said Trustees should be better declared and defined: And whereas it is expedient that provision should be made for the regulation

25 and management of the said lands, and for the disposal of the rents, annual and other income, thereof: And whereas at the time when the said Trustees became seized to them and their successors of the said lands specified in the said Schedule B it was intended that the said lands should be set apart and held in trust by the said Trustees as and

30 for an estate for a Dean and Canons of the Cathedral Church of Christchurch and their successors in office; and that the rents and annual income thereof should be applied by the said Trustees towards the maintenance of the said Dean and Canons: And whereas the said Trustees have observed and carried out the said intention, and

35 have set apart the said lands as and for such an estate as aforesaid, and have paid the rents and other annual income thereof towards the maintenance of the said Dean and Canons: And whereas there has never been any formal declaration of any such specific trust of the said lands specified in the said Schedule B: And whereas doubts have

40 arisen as to whether it was intended that the whole of the rents, annual and other income, derived from the said lands should be paid and applied towards the maintenance of the said Dean and Canons, or whether the surplus of the said rents, annual and other income, after providing for a proper annual maintenance for the said Dean and

45 Canons, and each of them, should not be applied to other purposes connected with the providing of residences and with the maintenance of persons employed in performing the service of the cathedral and of schools to be used as cathedral schools and other like objects: And whereas it is expedient that the trusts and purposes upon which the

50 said lands specified in the said Schedule B are held or intended to be held by the said Trustees should be better declared and defined: And whereas it is expedient that provision should be made for the regulation and management of the said lands, and for the disposal of the rents, annual and other income, thereof: And whereas certain messuages,

55 lands, tenements, and hereditaments within the Provincial District of Canterbury have been conveyed to the said Church Property Trustees and to other Trustees appointed by the Synod of the Diocese of Christchurch under the provisions of "The Religious, Charitable, and Educational Trust Act, 1856," and "The Religious, Charitable, and Educa-

60 tional Trust Act Amendment Act, 1865," and under the provisions of

“The Bishops in New Zealand Trust Act, 1871,” to be held by them respectively as reserves or sites for churches, schools, parsonages, glebes, cemeteries, and other church purposes: And whereas the said parcels of land are situated within the said Diocese of Christchurch: And whereas it is expedient that certain powers should be given to the said Church Property Trustees, and to the said Trustees appointed as aforesaid in respect of the same, and for the regulation and management of the said parcels of land, and for the disposal of the income thereof: And whereas the said Church Property Trustees and other Trustees appointed as aforesaid are seized of certain messuages, lands, tenements, and hereditaments within the Provincial District of Canterbury being vested in them as sites for cemeteries: And whereas it is expedient that certain powers should be given to the said Church Property Trustees, and to the said other Trustees appointed as aforesaid in respect of the same, and for the regulation and management of the same, and for the disposal of the income thereof: And whereas it is expedient that powers should be given to the said other Trustees appointed as aforesaid to convey to the said body politic called the Church Property Trustees all or any of the said parcels of land now or hereafter vested in them as reserves and sites for churches, schools, parsonages, glebes, cemeteries, and other church purposes: And whereas certain messuages, lands, tenements, and hereditaments situated within the Provincial District of Canterbury, specified in Schedule D to this Act, were conveyed to the Right Reverend George Augustus Selwyn, first Bishop of New Zealand and Metropolitan, as a corporation sole, to be held in trust for certain purposes expressed and declared in the deeds respectively granting and conveying the same: And whereas the said George Augustus Selwyn was empowered by “The Bishops in New Zealand Trust Act, 1871,” to convey the said parcels of land to a Trustee or Trustees to be appointed by the Synod of the diocese in which such lands might be situated: And whereas the said George Augustus Selwyn died without having executed any deed conveying the same to any such Trustee or Trustees: And whereas the said parcels of land are situated within the Diocese of Christchurch: And whereas it is expedient that the said parcels of land should vest in the said body politic and corporate called the Church Property Trustees, and that they should be declared to be seized of them upon the trusts intents and purposes for which the same respectively were held by the said George Augustus Selwyn: And whereas it is expedient that better provision should be made for the regulation and management of all messuages, lands, tenements, and hereditaments, which now are or which hereafter may be vested in the said body politic and corporate called the Church Property Trustees: And whereas the trusts and objects of the said lands specified in the said Schedules A and B, and the powers for the regulation and disposal of the rents, annual and other income, cannot be declared, defined, or obtained without legislation: And whereas the powers sought to be obtained by this Act by the said Church Property Trustees and the said other Trustees appointed as aforesaid, in connection with all other the lands herein referred to, cannot be defined, given to, or obtained by them respectively without legislation:

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 is “The Church Property Trust (Canterbury) Act, 1879.”

This Act is divided into the several Parts as follows:—

PART I.—Preliminary Provisions.

PART II.—The Bishopric Estate.

PART III.—The Dean and Chapter Estate.

- PART IV.—Local Endowments.  
 PART V.—Cemeteries.  
 PART VI.—Land vested in Bishop Selwyn.  
 PART VII.—Conveyances by local Trustees.  
 PART VIII.—Miscellaneous.

5

## PART I.

## PRELIMINARY PROVISIONS.

2. In the construction of this Act the several words and expressions following shall have the several meanings herein assigned to each respectively, unless anything in the subject or context is repugnant to such meaning:— Interpretation.

15 “The Church Property Trustees” means the Trustees and their successors constituted a body politic and corporate by the name of the Church Property Trustees under Ordinances of the Superintendent and Provincial Council of the late Province of Canterbury intituled “The Church Property Trust Ordinance, Session II., No. 3,” and “The Church Property Trust Amendment Ordinance, 1867.”

20 “The Diocese of Christchurch” means the diocese of which the City of Christchurch is the Bishop’s see, the present boundaries whereof are set out in Schedule C to this Act.

25 “The Bishop of Christchurch” means the present Bishop and Bishops hereafter duly appointed and consecrated to the See of the City of Christchurch in accordance with the constitution and statutes of the General Synod of the Church of the Province of New Zealand, commonly called the Church of England, constituted under the provisions of a certain deed agreed to at a General Conference of Bishops, Clergy, and Laity, held at Auckland, on the thirteenth day of June, one thousand eight hundred and fifty-seven; and revised at the session of the General Synod held at Christchurch in the year of our Lord one thousand eight hundred and sixty-five.

35 “The Cathedral Church of Christchurch” means the cathedral in connection with the Church of England, situated in that part of the City of Christchurch known as Cathedral Square, the site whereof was conveyed to the said Bishop of Christchurch by an Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled “The Cathedral Square Ordinance, Session X., No. 5.”

45 “The Dean” and ~~Canons of the Cathedral Church of Christchurch~~ means the present Dean and ~~Canons and their successors duly appointed to their respective offices of the Cathedral Church of Christchurch and his successors, duly appointed to the office of Dean of such Cathedral Church.~~

50 “Canons” means the present Canons of the Cathedral Church of Christchurch and their respective successors duly appointed to the office of Canon of the said Cathedral Church.

“Minor Canons” means persons being Clerks in Holy Orders subordinate to the said Dean and Canons duly appointed to officiate in the said Cathedral Church.

55 “Parish” means a division of the Diocese of Christchurch, constituted as such by the Diocesan Synod, under regulations of the said General Synod.

"Parochial district" means a division of the said diocese, having boundaries defined by the ~~Diocesan~~ Synod.

"Church" means the Church of the Province of New Zealand, commonly called the Church of England.

"Synod" shall have the same meaning attached to it as given by the said "Church Property Trust Amendment Ordinance, 1867," in the interpretation clause thereof.

Boundaries of diocese to be registered.

3. The boundaries of the said Diocese of Christchurch shall be registered in the Land Registry Office of the district wherein any of the lands, messuages, hereditaments, and tenements hereinafter mentioned, described, or referred to shall be situate; and, in the event of the alteration of the said boundaries, the boundaries of the said Diocese as altered shall from time to time be registered in the said Land Registry Office.

Certified copy receivable in evidence.

4. The Bishop of Christchurch shall from time to time deposit in the Deeds Registry Office, including and included in the said Diocese of Christchurch, a description of the boundaries of such diocese, and of any alterations in the boundaries from time to time made therein, certified under the hand of the said Bishop of Christchurch; and an office copy of such certificate, sealed with the seal of the Deeds Registry Office for the district, shall be receivable as evidence of the boundaries of such diocese, or of the alteration of the same, in any Court in New Zealand.

The fee payable for each such deposit and each such office copy shall be five shillings.

#### New Clause.

Church Property Trust Ordinances not to be affected.

5. The Ordinances of the Superintendent and Provincial Council of the late Province of Canterbury, intituled "The Church Property Trust Ordinance, Session II., No. 3," "The Church Property Trust Amendment Ordinance, 1867," and "The Church Property Trust Amendment Ordinance, Session XI., No. 6," and all the powers and authorities conferred on the Church Property Trustees by the said Ordinances, or any or either of them, shall remain in full force and effect in so far as the provisions of the same are not affected, altered, or amended by this Act.

~~5. Nothing in this Act contained shall affect or be deemed to affect the body politic and corporate by the name of the Church Property Trustees constituted under the said Ordinances of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Ordinance, Session II., No. 3," and under the Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Amendment Ordinance, 1867" or to affect or abridge any of the provisions and powers contained in the said Ordinances or in an Ordinance of the Superintendent and the Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Amendment Ordinance, Session XI., No. 6," and the said Ordinances shall remain in full force and effect in so far as the provisions of the same are not affected, altered, or amended by this Act.~~

Trusts of lands in Schedules A and B to cease.

6. From and after the passing coming into operation of this Act all trusts under which the said lands specified in the said Schedules A and B to this Act are and have been held or intended to have been held by the said Church Property Trustees shall cease and determine, without prejudice nevertheless to any act, deed, matter, or thing heretofore lawfully made, done, or executed by the said Church Property Trustees in the execution of the said trusts.

## PART II.

## THE BISHOPRIC ESTATE.

7. From and after the ~~passing~~ *coming into operation* of this Act the Church Property Trustees (hereinafter in this part of the Act called "the said Trustees") shall hold the messuages, lands, tenements, and hereditaments specified and described in the said Schedule A to this Act, commonly known as the Bishopric Estate (hereinafter in this Part of the Act called "the said estate"), upon the trusts, intents, and purposes hereinafter declared concerning the same.

Trustees to hold lands in trust.

8. The said Trustees shall receive and take all the annual rents, issues, and profits, and all other sums becoming payable in respect of the said estate (hereinafter called "the said income"), and, after payment thereof, in the first place, of all proper and necessary charges connected with the management of the said estate, shall, in each and every year, pay to the said Bishop of Christchurch (hereinafter called "the said Bishop") the net annual sum of one thousand pounds, in equal quarterly instalments, and without any further or other deduction therefrom; and the said annual sum of one thousand pounds, subject only to the payment of such expenses as aforesaid, shall be a first charge upon the said estate and the ~~said~~ income thereof.

Income of Bishop.

9. Subject, as aforesaid, to the payment out of the said income of the said estate of the said charges, and of the said yearly sum of one thousand pounds to the said Bishop of Christchurch, as aforesaid, the said Trustees shall hold the said estate and the said income upon trust, in the first place, to apply, appropriate, or set aside the said income, or such portion thereof as they shall deem necessary, in manner following, that is to say,—

Application of income in the first place.

(1.) Towards the payment of all moneys payable in respect of insurance on the residence and the outbuildings belonging thereto in the occupation of the said Bishop of Christchurch:

(2.) Towards the payment of all rates, taxes, and charges whatsoever (Government, municipal, or otherwise) which may be chargeable upon or become due in respect of the said income payable to the said Bishop of Christchurch, or in respect of any part of the said estate and buildings thereon which may now or hereafter be in the actual occupation of and used by the said Bishop of Christchurch as his residence, or as appurtenances thereto:

(3.) Towards the proper repair and maintenance of any of such residence and outbuildings in the occupation of the said Bishop of Christchurch, and towards the repair and maintenance of all fences and gates of or belonging to such part of the said estate so occupied by the said Bishop of Christchurch as aforesaid.

10. Subject as aforesaid the said Trustees shall hold the said estate and the said income thereof upon trust, in the next place, to appropriate, set apart, and apply the said income, or any part thereof, towards all or any one or more of the objects, intents, and purposes hereinafter declared, but nevertheless in accordance with the directions, resolutions, laws, enactments, or regulations of the Synod, and in such manner, in such proportions, in such sums, and at such times as the said Synod shall from time to time direct, enact, or resolve, that is to say,—

Application of income in the second place.

(1.) Towards the augmentation of the annual income of the said Bishop of Christchurch:

(2.) Towards the establishment of a fund, to be called "The Bishopric Fabric Fund," for the building and enlarging of the residence and outbuildings necessary thereto for the occupation of the said Bishop of Christchurch:

- (3.) Towards the stipend and maintenance of coadjutor or suffragan Bishops within the said Diocese of Christchurch, of chaplains for the said Bishop, of diocesan officers, and such other assistants as may from time to time be required by the said Bishop in discharge of his office : 5
- (4.) The maintenance of other Bishops lawfully appointed under the authority of the General Synod of the Church of the Province of New Zealand commonly called the Church of England, and having jurisdiction within the limits of the existing Diocese of Christchurch, as the same are described in Schedule C to this Act, if the said diocese shall at any time hereafter be divided, under the authority of the said General Synod, into two or more dioceses, or if any portion of the existing diocese shall become a portion of any other diocese under the same authority : 10
- (5.) Towards the provision and maintenance of residences for such Bishops as aforesaid, coadjutor, suffragan, or lawfully appointed under the authority of the said General Synod as aforesaid, and ministering within the limits of the existing Diocese of Christchurch, other than the said Bishop of Christchurch, and towards the payment of all moneys due in respect of insurance, rates, and taxes whatsoever chargeable on or payable in respect of such residences and out-buildings, and in respect of the lands in the actual occupation of such Bishop or Bishops : 15
- (6.) Towards the establishment of a fund to be called "The Bishop's Pension Fund," the income whereof, or such part thereof as the said Synod shall deem necessary, shall be paid to the said Bishop of Christchurch for the residue of his natural life, upon his resignation and retirement from the said See of Christchurch, and to such other Bishops appointed as aforesaid who shall resign their duties or retire from their respective sees, whether coadjutor, suffragan, or otherwise, whose annual incomes may be derived wholly or in part from the proceeds of the said lands : 20
- Provided also that, if the said Synod shall so direct, the said Trustees shall, out of the income of the said fund, pay and apply such part thereof as the said Synod shall from time to time direct to and for the benefit of the widow of the said Bishop of Christchurch, and the widows of such other Bishops appointed or acting as aforesaid. 25

Power to invest surplus income.

11. Provided always, and it is hereby declared, that the said Synod may from time to time direct, resolve, and enact that the said Trustees shall invest the said income, or any part thereof which may accrue from the said estate over and above the said sum of one thousand pounds payable to the said Bishop of Christchurch aforesaid, and after due provision has been made for payment of all moneys as prescribed in the subsections of section nine, in any Government or freehold securities in New Zealand, or upon the shares, stocks, debentures, and securities of any company with limited liability or of any corporation, whether commercial, municipal, or otherwise, carrying on business, or constituted for any purpose, within the Colony of New Zealand (hereinafter called "the said investments") and the said Trustees may at their discretion of the said trustees vary the said investments for other of a like kind when and as they shall think fit. 30

Income of investments, how payable.

12. The said Trustees shall hold the said investments and the income therefrom, and shall pay the same in such proportions and at such times as and when the said Synod shall direct towards all or any one or more of the said trusts hereinbefore declared. 35



13. Notwithstanding the declaration of the said trusts of the said lands as aforesaid, and of the application of the income thereof, the said Trustees shall have and possess the power of leasing, sale, alienating, mortgaging, charging, or otherwise disposing of the said estate, or any part thereof, in the same manner in all respects as they have heretofore had, enjoyed, and possessed in respect of the same under and by virtue of the provisions of the said Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Ordinance, Session 11., No. 3," and of the said "Church Property Trust Amendment Ordinance, 1867;" but subject in all cases to the consent of the said Synod if such consent is required by the said Ordinances or either of them.

Powers of sale, &c., contained in Ordinances not affected.

14. The said Trustees shall hold all rents and annual profits received by them from any such lease or leases of the said lands, and shall apply the same towards all or any of the said trusts, at such times and in such proportions as and when the said Synod shall direct.

Application of rents.

15. In the event of a sale or sales, alienation, or other disposition of the said estate or any portion thereof, the said Trustees shall invest the moneys received by them from such sale or sales, or for equality of exchange, or from the alienation or other disposition of the same, in the purchase of other lands or tenements in the Colony of New Zealand, or in or upon the said investments hereinbefore specified, and shall hold such lands and hereditaments when so purchased or received in exchange, and the said investments and the income and profits thereof, upon and for the trusts, intents, and purposes hereinbefore declared concerning the said estate specified in Schedule A hereto.

Upon sale, &c., Trustees to hold proceeds upon trusts.

16. The receipt in writing of the said Trustees, 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 the provisions contained in this Part of the Act, and shall exonerate the person or persons paying such money from all obligations of seeing to the application thereof, and from all liability by reason of the loss, misapplication, or non-application thereof, and it shall not be incumbent on any purchaser or other person *by to or* with whom any sale, lease, or exchange shall have been made to inquire as to the necessity for or propriety of such sale, lease, or exchange.

Trustees' receipt clause.

17. Provided always, and it is hereby declared, that nothing hereinbefore contained shall be construed to empower or enable the said Trustees or the said Synod in any way to let, sell, exchange, alienate, mortgage, charge, or otherwise dispose of the said estate specified in Schedule A, or any part or parts thereof, so as to cause a deduction from, or to hinder or to prevent the full and due payment to, the said Bishop of *Christchurch* of the said annual sum of one thousand pounds, and of all other the moneys payable in respect of insurance, rates, taxes, charges, or repairs connected with the lands and buildings thereon occupied by the said Bishop of *Christchurch* as aforesaid.

Sale, &c., not to affect Bishop's income.

PART III.

THE DEAN AND CHAPTER ESTATE.

18. From and after the passing *coming into operation* of this Act the *Church Property Trustees* (hereinafter in this Part of the Act called "the said Trustees") shall hold the lands, messuages, tenements, and hereditaments specified and described in the said Schedule B to this Act, commonly known as the Dean and Chapter Estate (in this part of the Act called "the said estate"), and the rents and other annual income of the said estate (hereinafter called "the said income"), upon the trusts, intents, and purposes hereinafter declared concerning the same.

Trustees to hold lands in Schedule B upon trust.

Income of Dean and  
Canons.

19. The said Trustees shall receive and take the said income, and, after payment thereof, in the first place, of all proper and necessary charges connected with the management of the said estate, shall in each and every year pay to the Dean of the Cathedral Church of Christchurch (hereinafter called "~~the said Dean~~") the annual sum of five hundred pounds by equal quarterly instalments, and to each one of the Canons for the time being of the said Cathedral Church (~~hereinafter called the said Canons~~") the annual sum of one hundred pounds by equal quarterly instalments, and without any further or other deduction therefrom; and the said yearly sums of five hundred pounds and one hundred pounds, subject only to the payment of such expenses as aforesaid, shall be a first charge upon the said lands and the said income thereof.

Application of in-  
come in first place.

20. Subject as aforesaid to the payment out of the said income of the said estate of the said charges, and of the said yearly sums of five hundred pounds to the said Dean, and of one hundred pounds to each of the said Canons aforesaid, the said Trustees shall hold the said lands and the said income thereof upon trust, in the first place, to apply the said income or such portion thereof as they shall deem necessary in manner following, that is to say,—

- (1.) Towards the payment of all moneys payable in respect of insurance on the residence or residences and outbuildings belonging to the same respectively, in the occupation of the said Dean or of the said Canons respectively:
- (2.) In the payment of all rates, taxes, and charges whatsoever, Government, municipal, or otherwise, which may be chargeable or become due in respect of the said incomes, payable to the said Dean and Canons respectively, or in respect of any part of the said estate and buildings thereon, or used therewith, and which may be in the occupation of the said Dean or of the said Canons as his or their residence or residences respectively:
- (3.) Towards the proper repair and maintenance of any residence or residences and outbuildings belonging thereto in the occupation of the said Dean and the said Canons respectively, and towards the repair and maintenance of all fences and gates of such part of the said estate occupied by the said Dean and or Canons as aforesaid:

Application of in-  
come in second place.

21. Subject as aforesaid, the said Trustees shall hold the said estate and the said income thereof upon trust, in the next place, to apply the said income, or any portion thereof, towards all or any one or more of the objects, intents, and purposes hereinafter declared, but subject, nevertheless, to the directions, resolutions, laws, enactments, or regulations of the said Synod, in such manner, in such proportions, in such sums, and at such times as the said Synod shall from time to time direct, enact, or resolve, that is to say—

- (1.) Towards the augmentation of the annual income of the said Dean and of the said Canons:
- (2.) Towards the establishment of a fund, to be called "the Dean and Chapter Fabric Fund," for the building or enlarging of a residence or residences for the said Dean and for the said Canons respectively:
- (3.) Towards the maintenance of Minor Canons of the said Cathedral Church of Christchurch:
- (4.) For building or providing residences for the said Minor Canons and keeping the same in repair, and for payment of insurance, taxes, and rates due payable in respect of the same:
- (5.) Towards the establishment of a fund to be called "the Dean and Chapter Pension Fund," the income whereof, or

- such part thereof as the Synod shall deem necessary, shall be paid to the said Dean and to the said Canons and to the said Minor Canons for the residue of his and their natural lives respectively, upon resignation or retirement of the said Dean, the said Canons, or the said Minor Canons from his or their respective office or offices :
- 5 (6.) Towards the maintenance of Divine service in the said Cathedral Church of *Christchurch*, and of such lay clerks, choristers, or other officers as may be required to assist in the conduct thereof or to make preparations for the same, or towards keeping the building and the precincts in decent and proper order :
- 10 (7.) Towards the erection and maintenance of a school or schools in connection with the said Cathedral Church of *Christchurch* :
- 15 (8.) Towards the erection, maintenance, and repair of the fabric of the said Cathedral Church of *Christchurch* :
- (9.) Towards the erection and maintenance of a chapter-house as a place of meeting for the Chapter of the said Cathedral Church of *Christchurch*.
- 20 **22.** The provisions and powers expressed, declared, and contained in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth sections of this Act in respect of the said lands specified in Schedule A hereto, and of the income thereof, shall, subject as therein mentioned, extend and apply to the said estate, and shall and
- 25 may be observed, performed, and carried out by the said Trustees, subject to the direction of the said Synod so far as the same are applicable to the trusts hereinbefore declared of the said estate, and of the said income thereof.

Provisions of sections 11, 12, 13, 14, 15, 16, 17, to apply.

## PART IV.

## 30 LOCAL ENDOWMENTS.

- 23.** The several messuages, lands, tenements, and hereditaments which at the time of the passing of this Act are vested in or have been conveyed to the Church Property Trustees, and are vested in or have been conveyed to any other Trustees appointed by the said Synod
- 35 of the said Diocese of *Christchurch* under the provisions of "The Religious, Charitable, and Educational Trusts Act, 1856," and "The Religious, Charitable, and Educational Trusts Act Amendment Act, 1865," and under the provisions of "The Bishops in New Zealand Trust Act, 1871," and all messuages, lands, tenements, and hereditaments, and personal property which may at any time hereafter be
- 40 conveyed or be devised or bequeathed or given to the said Church Property Trustees, or to the said Trustees appointed as aforesaid, as reserves or sites for churches, schools, parsonages, glebes, or other church purposes within the said diocese, and which now are, or which
- 45 hereafter may be, conveyed, devised, bequeathed, given to, or held by the said Church Property Trustees, or the said Trustees appointed as aforesaid, upon and for the trusts, intents, objects, and purposes declared, expressed, and contained in the several deeds, wills, instruments, or other documents purporting to convey, assure, devise,
- 50 bequeath, give, or transfer the same respectively to the said Trustees (hereinafter in this Part of the Act called "the said local endowments"), shall be administered by the said Church Property Trustees or the said Trustees appointed as aforesaid respectively for the benefit of the particular parish or parochial district in which the said local
- 55 endowments are respectively situated, being the several parishes and parochial districts into which the said Diocese of *Christchurch* is now divided, or being parishes or parochial districts which shall at any time be defined and constituted by the Synod of the said diocese.

Lands called local endowments, how to be administered.

Administration of  
glebe lands.

24. Any of the said local endowments which now are, or which hereafter may be, held by the said ~~Trustees~~ *Church Property Trustees, or by the said Trustees appointed as aforesaid*, as glebe lands, shall be administered by the said Church Property Trustees, or the said Trustees appointed as aforesaid respectively for the benefit of the clergyman licensed by the Bishop of the said ~~diocese~~ *Christchurch* to the cure of the particular parish or parochial district in which any such glebe shall be situated. 5

Powers of sale, &c.,  
in respect of local  
endowments.

25. The said Church Property Trustees, and the said Trustees appointed as aforesaid (hereinafter in this part of the Act called the "said Trustees respectively"), subject to the consent in writing of the said Synod, given under the hand of the President thereof, or, if such Synod shall not be in session, of the standing committee thereof, and subject also to the consent in writing of the clergyman licensed by the said Bishop of *Christchurch* to the cure of souls of such parish or parochial district in which any of the said local endowments or any part thereof shall be situated, and, in the event of the cure of souls of such parish or parochial district being vacant, of the Archdeacon of the district in which such parish or parochial district is included, and subject further to the consent in writing of the churchwardens of any such parish, or of the wardens of any such parochial district duly appointed under the authority of the said Synod, may exercise all or any of the following powers:— 10 15 20

- (1.) The said Trustees respectively may, subject to such consent as aforesaid, sell and absolutely dispose of the said local endowments or any part thereof, either together or in parcels, and either by public auction or private contract, and may buy in and rescind any contract for sale and resell without being responsible for any loss occasioned thereby, or may exchange the said local endowments or any part thereof for any other freehold hereditaments situate in the Colony of New Zealand, and give out of any moneys in their hands applicable to such purposes or receive any money by way of equality of exchange, and may execute all such conveyances for effectuating any such sale or exchange as they shall think fit. 25 30 35
- (2.) The said Trustees respectively may, subject to such consent as aforesaid, let the said local endowments or any part thereof for any term of years not exceeding thirty-one years, and may, subject as aforesaid, apply the rents of the property so leased to the purposes for which the annual income or proceeds of the trust property shall for the time being be properly applicable. 40
- (3.) The said Trustees respectively may, subject as aforesaid, raise any sum or sums of money by way of mortgage, charge, or encumbrance upon or affecting the said local endowment or any part thereof, and may do and execute all assurances, acts, and deeds necessary for effectuating any such mortgage, charge, or encumbrance. 45
- (4.) All moneys arising from the sale or exchange of any of the said local endowments as aforesaid, after payment thereof of the costs and expenses payable in relation to such sale or exchange, may be expended in the absolute purchase of other freehold lands and hereditaments within the Colony of New Zealand, and the lands so purchased or received in exchange as aforesaid shall be held by the said Trustees respectively, in whom respectively the land so bought or received in exchange shall become vested, upon such trusts as the property so sold or given in exchange was held subject to. 50 55

13. Notwithstanding the declaration of the said trusts of the said lands as aforesaid, and of the application of the income thereof, the said Trustees shall have and possess the power of leasing, sale, alienating, mortgaging, charging, or otherwise disposing of the said estate, or any part thereof, in the same manner in all respects as they have heretofore had, enjoyed, and possessed in respect of the same under and by virtue of the provisions of the said Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Ordinance, Session II., No. 3," and of the said "Church Property Trust Amendment Ordinance, 1867;" but subject in all cases to the consent of the said Synod if such consent is required by the said Ordinances or either of them.

Powers of sale, &c., contained in Ordinances not affected.

14. The said Trustees shall hold all rents and annual profits received by them from any such lease or leases of the said lands, and shall apply the same towards all or any of the said trusts, at such times and in such proportions as and when the said Synod shall direct.

Application of rents.

15. In the event of a sale or sales, alienation, or other disposition of the said estate or any portion thereof, the said Trustees shall invest the moneys received by them from such sale or sales, or for equality of exchange, or from the alienation or other disposition of the same, in the purchase of other lands or tenements in the Colony of New Zealand, or in or upon the said investments hereinbefore specified, and shall hold such lands and hereditaments when so purchased or received in exchange, and the said investments and the income and profits thereof, upon and for the trusts, intents, and purposes hereinbefore declared concerning the said estate specified in Schedule A hereto.

Upon sale, &c., Trustees to hold proceeds upon trusts.

16. The receipt in writing of the said Trustees, 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 the provisions contained in this Part of the Act, and shall exonerate the person or persons paying such money from all obligations of seeing to the application thereof, and from all liability by reason of the loss, misapplication, or non-application thereof, and it shall not be incumbent on any purchaser or other person *by to or* with whom any sale, lease, or exchange shall have been made to inquire as to the necessity for or propriety of such sale, lease, or exchange.

Trustees' receipt clause.

17. Provided always, and it is hereby declared, that nothing hereinbefore contained shall be construed to empower or enable the said Trustees or the said Synod in any way to let, sell, exchange, alienate, mortgage, charge, or otherwise dispose of the said estate specified in Schedule A, or any part or parts thereof, so as to cause a deduction from, or to hinder or to prevent the full and due payment to, the said Bishop of *Christchurch* of the said annual sum of one thousand pounds, and of all other the moneys payable in respect of insurance, rates, taxes, charges, or repairs connected with the lands and buildings thereon occupied by the said Bishop of *Christchurch* as aforesaid.

Sale, &c., not to affect Bishop's income.

PART III.

THE DEAN AND CHAPTER ESTATE.

18. From and after the passing *coming into operation* of this Act the *Church Property Trustees* (hereinafter in this Part of the Act called "the said Trustees") shall hold the lands, messuages, tenements, and hereditaments specified and described in the said Schedule B to this Act, commonly known as the Dean and Chapter Estate (in this part of the Act called "the said estate"), and the rents and other annual income of the said estate (hereinafter called "the said income"), upon the trusts, intents, and purposes hereinafter declared concerning the same.

Trustees to hold lands in Schedule B upon trust.

Income of Dean and  
Canons.

19. The said Trustees shall receive and take the said income, and, after payment thereof, in the first place, of all proper and necessary charges connected with the management of the said estate, shall in each and every year pay to the Dean of the Cathedral Church of Christchurch (hereinafter called "the said Dean") the annual sum of five hundred pounds by equal quarterly instalments, and to each one of the Canons for the time being of the said Cathedral Church (hereinafter called the said Canons") the annual sum of one hundred pounds by equal quarterly instalments, and without any further or other deduction therefrom; and the said yearly sums of five hundred pounds and one hundred pounds, subject only to the payment of such expenses as aforesaid, shall be a first charge upon the said lands and the said income thereof.

Application of in-  
come in first place.

20. Subject as aforesaid to the payment out of the said income of the said estate of the said charges, and of the said yearly sums of five hundred pounds to the said Dean, and of one hundred pounds to each of the said Canons aforesaid, the said Trustees shall hold the said lands and the said income thereof upon trust, in the first place, to apply the said income or such portion thereof as they shall deem necessary in manner following, that is to say,—

- (1.) Towards the payment of all moneys payable in respect of insurance on the residence or residences and outbuildings belonging to the same respectively, in the occupation of the said Dean or of the said Canons respectively;
- (2.) In the payment of all rates, taxes, and charges whatsoever, Government, municipal, or otherwise, which may be chargeable or become due in respect of the said incomes, payable to the said Dean and Canons respectively, or in respect of any part of the said estate and buildings thereon, or used therewith, and which may be in the occupation of the said Dean or of the said Canons as his or their residence or residences respectively;
- (3.) Towards the proper repair and maintenance of any residence or residences and outbuildings belonging thereto in the occupation of the said Dean and the said Canons respectively, and towards the repair and maintenance of all fences and gates of such part of the said estate occupied by the said Dean and or Canons as aforesaid:

Application of in-  
come in second place.

21. Subject as aforesaid, the said Trustees shall hold the said estate and the said income thereof upon trust, in the next place, to apply the said income, or any portion thereof, towards all or any one or more of the objects, intents, and purposes hereinafter declared, but subject, nevertheless, to the directions, resolutions, laws, enactments, or regulations of the said Synod, in such manner, in such proportions, in such sums, and at such times as the said Synod shall from time to time direct, enact, or resolve, that is to say—

- (1.) Towards the augmentation of the annual income of the said Dean and of the said Canons;
- (2.) Towards the establishment of a fund, to be called "the Dean and Chapter Fabric Fund," for the building or enlarging of a residence or residences for the said Dean and for the said Canons respectively;
- (3.) Towards the maintenance of Minor Canons of the said Cathedral Church of Christchurch;
- (4.) For building or providing residences for the said Minor Canons and keeping the same in repair, and for payment of insurance, taxes, and rates due payable in respect of the same;
- (5.) Towards the establishment of a fund to be called "the Dean and Chapter Pension Fund," the income whereof, or

such part thereof as the Synod shall deem necessary, shall be paid to the said Dean and to the said Canons and to the said Minor Canons for the residue of his and their natural lives respectively, upon resignation or retirement of the said Dean, the said Canons, or the said Minor Canons from his or their respective office or offices :

(6.) Towards the maintenance of Divine service in the said Cathedral Church of Christchurch, and of such lay clerks, choristers, or other officers as may be required to assist in the conduct thereof or to make preparations for the same, or towards keeping the building and the precincts in decent and proper order :

(7.) Towards the erection and maintenance of a school or schools in connection with the said Cathedral Church of Christchurch :

(8.) Towards the erection, maintenance, and repair of the fabric of the said Cathedral Church of Christchurch :

(9.) Towards the erection and maintenance of a chapter-house as a place of meeting for the Chapter of the said Cathedral Church of Christchurch.

22. The provisions and powers expressed, declared, and contained in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth sections of this Act in respect of the said lands specified in Schedule A hereto, and of the income thereof, shall, subject as therein mentioned, extend and apply to the said estate, and shall and may be observed, performed, and carried out by the said Trustees, subject to the direction of the said Synod so far as the same are applicable to the trusts hereinbefore declared of the said estate, and of the said income thereof.

Provisions of sections 11, 12, 13, 14, 15, 16, 17, to apply.

PART IV.

LOCAL ENDOWMENTS.

23. The several messuages, lands, tenements, and hereditaments which at the time of the passing of this Act are vested in or have been conveyed to the Church Property Trustees, and are vested in or have been conveyed to any other Trustees appointed by the said Synod of the said Diocese of Christchurch under the provisions of "The Religious, Charitable, and Educational Trusts Act, 1856," and "The Religious, Charitable, and Educational Trusts Act Amendment Act, 1865," and under the provisions of "The Bishops in New Zealand Trust Act, 1871," and all messuages, lands, tenements, and hereditaments, and personal property which may at any time hereafter be conveyed or be devised or bequeathed or given to the said Church Property Trustees, or to the said Trustees appointed as aforesaid, as reserves or sites for churches, schools, parsonages, glebes, or other church purposes within the said diocese, and which now are, or which hereafter may be, conveyed, devised, bequeathed, given to, or held by the said Church Property Trustees, or the said Trustees appointed as aforesaid, upon and for the trusts, intents, objects, and purposes declared, expressed, and contained in the several deeds, wills, instruments, or other documents purporting to convey, assure, devise, bequeath, give, or transfer the same respectively to the said Trustees (hereinafter in this Part of the Act called "the said local endowments"), shall be administered by the said Church Property Trustees or the said Trustees appointed as aforesaid respectively for the benefit of the particular parish or parochial district in which the said local endowments are respectively situated, being the several parishes and parochial districts into which the said Diocese of Christchurch is now divided, or being parishes or parochial districts which shall at any time be defined and constituted by the Synod of the said diocese.

Lands called local endowments, how to be administered.

Administration of  
glebe lands.

24. Any of the said local endowments which now are, or which hereafter may be, held by the ~~said Trustees~~ *Church Property Trustees*, or by the *said Trustees appointed as aforesaid*, as glebe lands, shall be administered by the ~~said~~ *Church Property Trustees*, or the said Trustees appointed as aforesaid respectively for the benefit of the 5 clergyman licensed by the Bishop of the ~~said diocese~~ *Christchurch* to the cure of the particular parish or parochial district in which any such glebe shall be situated.

Powers of sale, &c.,  
in respect of local  
endowments.

25. The said *Church Property Trustees*, and the said Trustees appointed as aforesaid (hereinafter in this part of the Act called the "said Trustees respectively"), subject to the consent in writing of the ~~said~~ Synod, given under the hand of the President thereof, or, if such Synod shall not be in session, of the standing committee thereof, and subject also to the consent in writing of the clergyman licensed by the said Bishop of *Christchurch* to the cure of souls of such parish 15 or parochial district in which any of the said local endowments or any part thereof shall be situated, and, in the event of the cure of souls of such parish or parochial district being vacant, of the Arch-deacon of the district in which such parish or parochial district is included, and subject further to the consent in writing of the church- 20 wardens of any such parish, or of the wardens of any such parochial district duly appointed under the authority of the said Synod, may exercise all or any of the following powers:—

- (1.) The said Trustees respectively may, subject to such consent as aforesaid, sell and absolutely dispose of the said 25 local endowments or any part thereof, either together or in parcels, and either by public auction or private contract, and may buy in and rescind any contract for sale and resell without being responsible for any loss occasioned thereby, or may exchange the said local endowments or 30 any part thereof for any other freehold hereditaments situate in the Colony of New Zealand, and give out of any moneys in their hands applicable to such purposes or receive any money by way of equality of exchange, and may execute all such conveyances for effectuating any 35 such sale or exchange as they shall think fit.
- (2.) The said Trustees respectively may, subject to such consent as aforesaid, let the said local endowments or any part thereof for any term of years not exceeding thirty- 40 one years, and may, subject as aforesaid, apply the rents of the property so leased to the purposes for which the annual income or proceeds of the trust property shall for the time being be properly applicable.
- (3.) The said Trustees respectively may, subject as aforesaid, 45 raise any sum or sums of money by way of mortgage, charge, or encumbrance upon or affecting the said local endowment or any part thereof, and may do and execute all assurances, acts, and deeds necessary for effectuating any such mortgage, charge, or encumbrance.
- (4.) All moneys arising from the sale or exchange of any of the 50 said local endowments as aforesaid, after payment thereof of the costs and expenses payable in relation to such sale or exchange, may be expended in the absolute purchase of other freehold lands and hereditaments within the Colony of New Zealand, and the lands so purchased or received in 55 exchange as aforesaid shall be held by the said Trustees respectively, in whom respectively the land so bought or received in exchange shall become vested, upon such trusts as the property so sold or given in exchange was held subject to.



- 5 (5.) Subject to such consent as aforesaid, the said Trustees respectively may invest the money arising from any such sale or sales as aforesaid, or received by them respectively, for equality of exchange, in their own names respectively, in any Government or freehold securities in the Colony of New Zealand or in or upon the ~~shares, stocks,~~ debentures, funds, or securities ~~of any company with limited liability or~~ of any corporation, whether commercial, municipal, or otherwise carrying on business or constituted for any purpose in the said colony, and may, subject to such consent as aforesaid, vary the said securities, and shall receive the dividends, interest, and annual produce of the said securities, and reinvest the same in or upon like securities, so that the income and annual proceeds may accumulate, and shall hold the said securities and the said annual income and proceeds thereof upon trust, to apply the same upon such trusts as the property sold or given in exchange was held subject to.
- 20 (6.) The said Trustees respectively may, subject to such consent as aforesaid, apply all moneys received by them from any mortgage, charge, or encumbrance of the said lands for the benefit of the ~~persons,~~ parish or parochial district within which the lands so mortgaged, charged, or encumbered are situated.
- 25 (7.) The receipt in writing of the said Trustees respectively, or 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 Part of the 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, lease, mortgage, charge, or encumbrance as aforesaid shall be made to inquire as to the necessity for or the propriety of such sale, lease, mortgage, exchange, charge, or encumbrance.
- 30 (8.) 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.

26. Provided always that it shall be lawful for the said Trustees appointed by the said Synod under the provisions of the said Acts as aforesaid, to exercise all and singular the powers of sale, exchange, letting, mortgaging, investment, or otherwise in the last preceding clause contained, in the place of and in substitution for the powers of sale, exchange, or letting, set forth in the Schedule to the said "Religious, Charitable, and Educational Trusts Act Amendment Act, 1865," and in the Schedule to the said "Bishops in New Zealand Trusts Act, 1871."

*Trustees may exercise powers of sale, &c., in place of powers given by other Acts.*

27. In the event of the constitution by the said Synod of any new parish or parochial district, being part of a parish or parochial district in which any of the said local endowments may be situated,

*Administration of endowments on constitution of new parish or district.*

the said Trustees respectively shall administer the said local endowments or any part of them which may be situated within the boundaries of the new parish or parochial district respectively for the benefit of the said new parish or parochial district, and shall administer the glebe lands which may be situated within the boundaries of any such new parish or parochial district for the benefit of the clergyman licensed by the said Bishop of *Christchurch* to the cure of the said new parish or parochial district. 5

Synod to apportion endowments for new parish or district.

28. Provided that, if any of the local endowments situated within the boundaries of the original parish or parochial district previously to the constitution of the new parish or parochial district shall have been sold, and the proceeds thereof invested in the purchase of other lands, or if the proceeds of the said local endowments so sold shall have been invested in any of the securities aforesaid, or if any of the said local endowments shall have been let, or if lands shall have been taken in exchange, and money shall have been received for equality of exchange, or if money shall have been raised by the mortgage, charge, or encumbrance of the said local endowments, it shall be lawful for the said Synod from time to time to determine and resolve what portion of the said local endowments so purchased, or of the said securities and the income thereof, or of the said rents, or of the said lands so taken in exchange, or of the moneys received for equality or exchange, or of the moneys raised by mortgage, charge, or encumbrance, shall be administered, paid, and applied by the said Trustees respectively for the benefit of the said new parish or parochial district, upon the trusts and for the benefit of the persons within the boundaries of the new parish or parochial district in which the said lands sold, let, exchanged, charged, or encumbered were held subject to. 10 15 20 25

Powers of sale, &c., to apply to endowments in new parish or district.

29. Provided also that the said powers of sale, purchase, leasing, exchange, investment, and mortgaging, hereinbefore contained in respect of the said local endowments, shall apply to the said lands or such part thereof as may be situated within the boundaries of any new parish or parochial district, and which shall be constituted as aforesaid, and may, subject to such consent as aforesaid, be exercised by the said Trustees respectively, subject to the trusts, intents, and purposes upon which the said local endowments so sold, let, exchanged, or mortgaged were held subject to. 30 35

Powers of sale, &c., not to be exercised at variance with trust.

30. Nothing in this Part of the Act contained or expressed shall empower or authorize the said Synod or the said Trustees respectively, and notwithstanding that such consent may have been given as aforesaid, to sell, exchange, let, mortgage, charge, or encumber the said local endowment, if, by or under the deed, will, instrument, or writing, creating or declaring the trusts, intents, and purposes upon which such local endowments are to be held, there shall appear anything inconsistent or at variance with the exercise of any of the said powers. 40 45

Power to apply endowments to general church purposes in other parts of diocese.

31. If at any time it shall appear to the said Synod that the value of any of the said local endowments has increased to such an extent as to be more than sufficient for church purposes within the particular parish or parochial district within which such local endowments are situated, it shall be lawful for the said Synod to direct the said Trustees *respectively* to administer such local endowments, and to apply the rents and annual income thereof, or such portion thereof as they may think fit, for general church purposes in other parts of the said Diocese of *Christchurch*, and it shall be lawful for the said Synod, in case any of the said powers of sale, exchange, leasing, investment, mortgaging, or otherwise shall have been exercised in respect of the said local endowments, to direct the said Trustees respectively to apply the rents and annual income, or such portion thereof as the said Synod may think fit, for general church purposes, in other parts of the said Diocese of *Christchurch*. 50 55 60

745

32. Provided always that nothing in the last preceding clause contained shall be deemed to authorize the said Trustees *respectively* or the said Synod to administer any of the said local endowments, or to apply the rents and annual income thereof for church purposes in other parts of the said diocese, if, from the deed, will, or instrument, creating the trust, it shall appear or shall be implied thereby that the said local endowments were intended to be applied for the exclusive benefit of the said parish or parochial district, or for some specified purpose, intent, or object within the said parish or district.

Provided trusts are not for exclusive benefit of persons or parishes.

33. The provisions in this Part of the Act contained shall apply only to such messuages, lands, tenements, and hereditaments which *as* are now or which may be hereafter conveyed, devised, bequeathed, given to, or vested in the said Trustees *respectively* as reserves or sites for churches, schools, parsonages, glebes, or other specific church purposes; and which said messuages, lands, tenements, and hereditaments are now or shall hereafter be held by the said Trustees *respectively* upon trust for the benefit of a particular parish or parochial district in which they may be situated, or for the benefit of the particular persons in such parishes or parochial districts, and nothing in the said provisions contained shall in any way be deemed to apply to the lands which now or hereafter shall form part of the general church property estate, or to affect any of the powers, rights, and privileges held and enjoyed by the said Church Property Trustees in respect of the same under and by virtue of the said Ordinances of the Superintendent and Provincial Council of the late Province of Canterbury.

Provisions of this Part of Act not to apply to general church estate.

## PART V.

### CEMETERIES.

34. The lands which are vested in or have been conveyed to the Church Property Trustees, or to any other Trustees appointed by the said Synod under the provisions of the before-mentioned Acts (hereinafter in this part of the Act called "the said Trustees respectively"), as reserves or sites for cemeteries, in the event of the same, or any of them, or any portion of them respectively, being closed under the authority of "The Burial-Ground Closing Act, 1874," or of any other Act which may hereafter be in force in that behalf, shall be administered by the said Trustees respectively, subject nevertheless to the provisions of the said Act or any other Act, in such manner as the said Synod shall from time to time determine.

Cemeteries closed to be administered by Trustees.

35. If any of the sites or reserves now or hereafter conveyed to or vested in the said Trustees respectively upon trust as sites or reserves for cemeteries, and which shall not have been used as such, shall be closed as aforesaid, or if the same, or any of them, or any part thereof shall, in the opinion of the said Synod, be no longer required for such purposes, or if any of the said sites or reserves shall be closed under the authority of the said Act or any other Act as aforesaid, parts of which may not have been in actual use as cemeteries, or if the said Synod shall, at any time previously to the same being closed as aforesaid, determine that such parts of the said sites or reserves are no longer required for such purposes, it shall be lawful for the said Trustees respectively, subject nevertheless to the consent of the said Synod, given under the hand of the President thereof, to exercise in respect of the said sites or reserves, or any such parts thereof, all or any of the powers of sale, purchase, exchange, leasing, investment, mortgaging, or otherwise hereinbefore contained in the provisions of Part IV. of this Act in respect of the local endowments therein referred to.

Trustees may sell, &c., parts of cemeteries closed, and sites not required for cemeteries.

Income of sites sold, &c., how to be applied.

36. The said Trustees respectively, subject to such consent as aforesaid, shall hold and administer the said sites and reserves, or the lands substituted for them by purchase, exchange, or otherwise, and the rents thereof, and the securities upon which the moneys arising from any sale or received for equality of exchange shall have been invested, and shall apply the rents and the income of the said securities, after deducting therefrom respectively all costs and expenses connected with the sale, exchange, or leasing of the same for general church purposes within the said Diocese of Christchurch, in such manner and in such proportions as the said Synod shall from time to time determine. 5 10

Power to vary application of income.

37. It shall be lawful for the said Synod from time to time to direct the said Trustees respectively to alter and vary the application of the annual income of the said cemeteries, or of the land substituted or exchanged for them respectively, and the proceeds of any securities, as and when they shall think proper; and nothing hereinbefore contained shall in any way be deemed to prevent the application by the said Trustees, subject to such consent as aforesaid, of moneys arising from the sale of any site or reserve, or received by them for equality of exchange, in the purchase of any site or reserve for the purposes of a cemetery within the parish or parochial district in which the said site or reserve so sold or exchanged was situated. 15 20

Trustees' receipt clause.

38. The receipt in writing of the said Trustees respectively, or 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 Part of the 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 the propriety of such sale, exchange, or lease. 25 30

Powers of sale, &c., may be exercised, notwithstanding trusts.

39. The said powers of sale, exchange, leasing, mortgaging, or otherwise hereinbefore granted to the said Trustees *respectively* in respect of the said sites and reserves *for cemeteries* shall and may, subject as aforesaid to the consent, direction, and determination of the said Synod, be exercised by the said Trustees *respectively*, notwithstanding that the said sites or reserves are now vested in or have been conveyed to the said Trustees respectively upon trust for the benefit and use of any particular parish or parochial district, or for the benefit and use of any number of parishes or parochial districts; and upon the exercise by the said Trustees *respectively*, subject to the consent of the Synod as aforesaid, of the said powers of sale, exchange, leasing, mortgaging, or otherwise, the trusts, objects, intents, and purposes declared by the deed, will, or instrument conveying or bequeathing the said sites or reserves, and upon which the same were held by the said Trustees respectively, shall cease and determine. 35 40 45

Trustees not to disturb graves, &c.

40. Provided always that nothing in this Part of the Act contained shall be deemed to authorize the said Trustees *respectively*, or the said Synod, in any way to administer, sell, exchange, let, or otherwise deal with any of the said sites or reserves, or any part thereof, which are now or which may hereafter be in actual use as cemeteries either before or after the same or any part thereof may or shall have been closed under the authority aforesaid, and whether such cemeteries or any part thereof shall have been consecrated or not, so as to disturb or to interfere with any graves, vaults, monuments or tombs, burial-places or plots belonging to, or which may have been set apart for, or purchased by, any persons within the boundaries of any such site or reserve. 50 55

41. Provided nevertheless that when any of the said *such* site or reserve shall have been closed, and there shall be burial-places or plots which shall have been set apart for or purchased by any person or persons in that portion of the said site or reserve so closed as afore-  
 5 said, but which portion shall not have been in actual use as a cemetery, it shall be lawful for the said Trustees, subject to the consent of the said Synod as aforesaid, and after payment or tender to the *such* person or persons of all moneys paid by him or them for or expended upon burial-places within such unused portion in respect of such portion to  
 10 exercise, in respect of such unused portion, all and singular the powers of sale, exchange, leasing, and mortgaging hereinbefore contained provided.

Trustees may sell, &c., upon payment for burial-places in unused portions of closed cemeteries.

42. The said Trustees *respectively*, subject to such consent as aforesaid, may, in respect of any of the said sites or reserves which  
 15 have never been required for use as cemeteries, exercise all and singular the powers of sale, exchange, leasing, or otherwise hereinbefore contained provided, subject, nevertheless, to the payment or tender to any every person or persons of all moneys who shall have expended by  
 20 them moneys in the purchase or preparation of any burial-place or plot within the said sites or reserves, of all moneys so expended.

Also on payment for burial-places in sites which have never been used.

43. After such payment or tender as aforesaid the said sites or reserves so closed as aforesaid, and every part thereof, shall be discharged from all claims by any person or persons in respect of any such burial-places or plots so being within the said sites or reserves.

Cemeteries discharged from all claims in respect of burial-places.

25 44. It shall not be incumbent upon any person or persons with whom any sale, or exchange, or lease, or other dealing connected with any of the said cemeteries shall be made under the powers aforesaid to inquire or see that the said Trustees *respectively* have paid or tendered the moneys due in respect of any of the said burial-places or  
 30 plots.

Purchasers not required to inquire whether such payments have been made.

45. Provided always that the said Trustees *respectively* shall, upon the exercise by them of any of the powers aforesaid, out of moneys received by them from the sale, leasing, or otherwise of the said sites or cemeteries, or any of them, or any part thereof, apply and set apart  
 35 an annual sum for the maintenance, keeping in order, and repair of the sites or reserves so closed as aforesaid, or any part thereof, and of graves, monuments, tombs, burial-places, mortuary chapels, and other buildings being within the boundary of the same.

Trustees to maintain used parts of cemeteries.

PART VI.

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LANDS VESTED IN BISHOP SELWYN.

46. The messuages, lands, tenements, and hereditaments specified and described in Schedule D to this Act shall henceforth vest, and are hereby declared to vest, in the said Church Property Trustees, and the said Church Property Trustees shall hold the same upon the trusts,  
 45 intents, and purposes originally declared concerning the same, as if the same had been conveyed to the said Trustees Church Property Trustees by the said George Augustus, Bishop of New Zealand, under the powers of "The Bishops in New Zealand Trusts Act, 1871."

Lands described in Schedule D to vest in Church Property Trustees.

50 47. Provided always the said Trustees that the Church Property Trustees shall and may exercise all and singular the powers of selling, exchanging, and leasing the said lands and hereditaments, or any part thereof, as particularly described in the Schedule annexed to the said Act "Bishops in New Zealand Trusts Act, 1871."

Powers of sale, &c., to apply.

## PART VII.

## CONVEYANCES BY LOCAL TRUSTEES.

Conveyances to  
Church Property  
Trustees.

48. It shall be lawful for ~~the~~ *any* Trustees appointed by the Synod of the said diocese under the authority of "The Religious, Charitable, and Educational Trusts Act, 1856," and "The Religious, Charitable, and Educational Trusts Act Amendment Act, 1865," and under the provisions of "The Bishops in New Zealand Trusts Act, 1871," or *any* or *either* of the said Acts, at any time to convey and assure any lands, allotments, or parcels of land and hereditaments which may have been conveyed to them, to be held in trust by them for the purposes expressed and declared in the deeds respectively granting and assuring the same, or any of them, to the said Church Property Trustees and their successors constituted a body politic and corporate by the said Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury, intituled "The Church Property Trust Ordinance, Session II., No. 3," to be held by the Church Property Trustees upon the trusts and for the intents and purposes upon and for which the same were respectively conveyed to and held in trust respectively by the said Trustees appointed by the said Synod as aforesaid, under the provisions of the said Acts. 5  
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Consent of Synod  
required.

49. Provided that no such conveyance shall be made as aforesaid, or shall be valid, unless the consent of the said Synod, certified under the hand of the President thereof, shall have been given thereto. 20

Powers of sale, &c.

50. Upon any such conveyance as aforesaid the said Church Property Trustees shall, in respect of the lands so conveyed to them as aforesaid, have all and singular the powers of selling, exchanging, and leasing, mortgaging, investment, or otherwise, as are contained and set out in clause twenty-five of this Act in respect of the local endowments therein referred to. 25

Conveyances not to  
affect acts done  
under trusts.

51. Any such conveyance as aforesaid by the said Trustees appointed by the said Synod as aforesaid to the said Church Property Trustees shall not affect or prejudice any act, deed, matter, or thing lawfully made, done, or executed by the said Trustees, or any or either of them, in the carrying out of the trusts previously to the execution of such conveyance. 30  
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## PART VIII.

## MISCELLANEOUS.

Agreements, &c.,  
prior to Act, not  
invalidated.

52. Nothing in this Act contained shall be construed so as to affect or to render invalid any agreement, covenant, deed, or undertaking, or any lease or agreement for a lease, which shall have been made by or with the said Church Property Trustees or any Trustee or Trustees appointed by the said Synod under the provisions of the said Acts as aforesaid whom this Act may concern previous to the date hereinafter appointed as that on which this Act shall come into force. 40

*Clause erased.*

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53. All rights and remedies and powers now existing or which may hereafter exist or arise under or upon or in respect of any such agreement covenant deed undertaking matter or thing or any lease or agreement for a lease made entered into or done by the said Church Property Trustees under or purporting to be under or in pursuance of the said Ordinances hereinbefore respectively mentioned or referred to or by any Trustee or Trustees appointed by the said Synod as aforesaid under or purporting to be under the provisions of the said "Religious Charitable and Educational Trust Act, 1856," and "The Religious Charitable and Educational Trust Act Amendment Act, 1865," and the 50  
55

said "Bishops in New Zealand Trusts Act, 1871," or which exist or hereafter may arise in respect of or in anywise relating to the said property real or personal for the time being held subject to any of the trusts thereof respectively shall be exercised and enforced and only by and against as the case may be the said Church Property Trustees or the said Trustees or Trustee appointed as aforesaid, and not otherwise.

54. 53. Upon production to any District Land Registrar appointed under "The Land Transfer Act, 1870," or any Act amending the same in the Land District of Canterbury, or any other district in the said colony where the land is situated appointed under "The Land Transfer Act, 1870," or any amendment thereof of a Crown grant, certificate of title, or other instrument, and a transfer under the corporate seal of the said Church Property Trustees, or Crown grant, certificate of title, or other instrument, and a transfer or statutory declaration by at least three of the persons therein named, or by any three of the Trustees then appointed, and acting under the said "Religious, Charitable, and Educational Trust Act, 1856," "The Religious, Charitable, and Educational Trust Act Amendment Act, 1865," and "The Bishops in New Zealand Trusts Act, 1871," to the effect that the land mentioned or referred to in any such instrument is held subject to the trusts or provisions of any of the said Ordinances or Acts respectively, such Registrar shall cause such land to be transferred to or otherwise vested in the said Church Property Trustees, or in the said Trustees appointed as aforesaid.

Vesting property held under "Land Transfer Act, 1870."

55. 54. Whenever in appointing new Trustees, or a new Trustee shall be appointed, upon vacancies occurring in the said body politic and corporate, called the Church Property Trustees, under the provisions of section 9 of the said Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intitled "The Church Property Trust Amendment Ordinance, 1867," a memorandum in the form or to the effect set forth in Schedule E hereto, under the hand of the President of the said Synod, if in Session, or under the hand of the Chairman of the said Standing Committee, if the said Synod be not in session, shall be conclusive evidence of such appointment and shall be *prima facie* evidence of any other statement therein contained, and it shall not be necessary to prove in any proceeding or matter in any Court in New Zealand that any Trustee has been appointed under the said Ordinance, and all acts done by any such Trustee shall be valid, notwithstanding any defect that may afterwards be discovered in his appointment.

Appointment of new Trustees.

56. 55. Contracts by or on behalf of the said Church Property Trustees and or by or on behalf of the said Trustees appointed under the said Acts as aforesaid, may be made, varied, or discharged as follows, that is to say,—

How contracts to be made, varied, and discharged.

(1.) Any contract which, if made between private persons, would be by law required to be in writing under seal or by deed, may be made, varied, or discharged in the names or on behalf of the said Church Property Trustees in writing under the corporate seal of the said Church Property Trustees, and may be made, varied, or discharged as aforesaid by the said Trustees appointed and acting under the said Acts as aforesaid under the hands of three at least of the said Trustees for the time being, and attested by one witness; and the fact of such Trustees appointed and acting under the said Acts as aforesaid purporting to act or sign as such shall be *prima facie* evidence of their being such Trustees.

(2.) Any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties party to be charged therewith, or by his agent there.

unto duly authorized, may be made, varied, or discharged in the name and on behalf of the said Church Property Trustees in writing, signed by any person acting under the express authority of the said Church Property Trustees, and may be made, varied, or discharged by the said Trustees appointed and acting under the said Acts as aforesaid *in writing*, signed by any person acting under the express authority of the said Trustees. 5

- (3.) Any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, may be made, varied, or discharged by parol in the name and on behalf of the said Church Property Trustees by any person for the time being acting under the express or implied authority of the said Church Property Trustees, and may be made, varied, or discharged in the name and on behalf of the said Trustees appointed and acting under the the said Acts as aforesaid by any person for the time being acting under the express or implied authority of the said Trustees. 10 15

Power to convey  
land for roads, &c.

57. 56. It shall be lawful for the said Church Property Trustees, and for the said Trustees appointed and acting as aforesaid, to convey and assure by way of sale, exchange, or otherwise, for the purposes of roads, streets, railway lines, or other similar public purposes, so much and such parts of the lands now or hereafter vested in or held for the time being by the said Church Property Trustees, and or the said Trustees appointed as aforesaid; and, notwithstanding that the said lands may now or hereafter be vested in or held by them respectively upon trusts declared or expressed in and by the deed, will, or instrument conveying, bequeathing, or vesting the same in them respectively, and for such purposes, *the Church Property Trustees and the said Trustees appointed and acting as aforesaid* may execute all necessary deeds, and upon the execution thereof all trusts and provisions affecting the land purporting to be conveyed shall cease and determine, and all lands obtained in exchange for land so conveyed by the Trustees shall be held upon trusts similar to those on which the land so conveyed was held, and all moneys received as compensation for lands so conveyed shall be invested in similar securities to those in which the said Church Property Trustees and the said Trustees appointed as aforesaid are by this Act authorized to invest moneys, and the income therefrom respectively shall be applied in the same manner as the income from the said lands so conveyed. 20 25 30 35 40

Date of Act.

58. 57. This Act shall come into operation on the first day of January, one thousand eight hundred and eighty.



SCHEDULES.

Schedules.

SCHEDULE A.

BISHOPRIC ESTATE.

1. ALL that piece or parcel of land being part of the Town Reserves of Christchurch, situate between the Papanui Road and the Mill Terrace, containing by admeasurement four acres one rood and six perches, statute measure, be the same more or less, and numbered Lot 24 on the Provincial Engineer's map, setting out and describing the said Town Reserves of Christchurch.

2. Also all that parcel of land, containing by admeasurement two hundred and ninety-two acres (more or less), situate in the Rangiora Swamp, in the Mandeville District, commencing at a point on the north-eastern side of the reserve for road and main drain, the said point being the south-western corner of Section 1446, and distant forty-seven chains forty links from the junction of the roads; thence north-westerly along the said reserve for road and main drain a distance of forty-seven chains forty links, to a road running parallel to the road and drain across the swamp; thence (right) at an angle of 122° 22' along the last-mentioned road a distance of about sixty chains sixty links; thence (right) at a right angle a distance of forty chains to a point on the western boundary of Section 1568 thirty links from the south-western corner of the said section, and returning along the western boundaries of Sections 1568, 1540, 1672, 1673, 1761, 1760, and 1446, a distance altogether of eighty-five chains ninety-five links to the commencing point: and numbered 1762 on the map of the Chief Surveyor of the Province of Canterbury, setting out and describing the rural land in the said Mandeville District; subject nevertheless to a reserve ten links wide for a cross-drain along the eastern boundary of this section, for which reserve allowance is made in the acreage.

3. Also all that parcel of land situate in the Ellesmere District of the said Province of Canterbury, containing by admeasurement five hundred and twenty-eight acres (more or less), commencing at a point on the Selwyn and Lake Road, the same being the south-western corner of Section 3010; thence north-easterly along the western boundary of 3010, and on in the same straight line to a creek; thence along the said creek through Section 2788 to a point in Section 2714 distant four chains and twenty-five links in a direct line from the point where the before-mentioned continuation of the western boundary of 3010 touches the creek; thence by a line running 142° 45' (magnetic) a distance of twenty-two chains and sixty-five links to the high bank of the River Selwyn; thence north-easterly along the said bank until it reaches the road forming the northern boundary of Section 3120; thence south-easterly along the said road to its junction with the road to the Selwyn; thence along the western side of the said road to the southern boundary of Section 9531; thence westerly along the said southern boundary of 9531 and the northern boundary of Section 9773 to the north-west corner of Section 9773; thence southerly along the western boundary of Section 9773 to the Selwyn and Lake Road; and thence following along the last-mentioned road westerly to the commencing point: and comprising Sections numbered respectively 3781, 3782, 3010, 2814, 3254, 2789, 9531, and 2801, and portions of Sections numbered respectively 2788, 2714, 3671, and 3120 on the map of the Chief Surveyor of the said Province of Canterbury, setting out and describing the rural land in the Ellesmere District aforesaid. Also all that parcel of land situate in the Ellesmere District of the said province, containing by admeasurement one hundred and two acres three roods (more or less), being part of the Rural Section numbered 4494 on the map of the Chief Surveyor of the said province, setting out and describing the rural land in the Ellesmere District aforesaid, commencing at a point on the road forming the northern boundary of Section 4494, the same being the north-west corner of Section 9284; thence following along the said road in a north-westerly and south-westerly direction a distance of twenty-eight chains ninety-seven links; thence extending in a south-westerly direction in a line parallel with the western boundary of Section 9284 to the southern boundary of Section 4494; thence extending easterly along that boundary to the south-west corner of Section 9284; and thence north-easterly along the western boundary of Section 9284 to the commencing point. Also all that parcel of land situate in the Ellesmere District aforesaid, containing by admeasurement fifty acres (more or less), being the Rural Section numbered 9284 on the said map of the said Chief Surveyor; bounded on the North by the road forming the northern boundary of Section 4494; on the Westward by that section; on the Eastward by Section 4061; and on the Southward by the River Irwell. Also all that parcel of land, containing by admeasurement fifty-one acres (more or less), situate in the Ellesmere District aforesaid, being the Rural Section numbered 4061 on the said map of the said Chief Surveyor; bounded on the North by the road by Trig. Pole E1; on the South by the boundary creek; on the West by Section 9284; and on the Eastward by Section 8058. Also all that parcel of land situate in the Ellesmere District aforesaid, containing by admeasurement fifty acres (more or less), and being the Rural Section numbered 8058 on the said map of the said Chief Surveyor; bounded on the North by the Selwyn and Lake Road; on the Westward by Section 4061; on the Eastward by Section 3784; and on the Southward by the River Irwell. Also all that parcel of land, containing by admeasurement fifty acres (more or less), situated in the Ellesmere District aforesaid; bounded on the Southward by the Selwyn and Lake Road; on the Eastward by Sections 3795 and 3783; on the Westward by 3781; and on the Northward by 3254 and 9531: and numbered 9773 on the said map of

the said Chief Surveyor. Also all that parcel of land, containing by admeasurement eighty-two acres (more or less), situate in the Ellesmere District aforesaid, commencing at the intersection of the road to the Selwyn with the Selwyn and Lake Road, following north-westerly along the southern side of the last-mentioned road a distance of fifteen chains twenty links; thence south-westerly at an angle of  $93^{\circ}$  a distance of twenty-five chains fifty links to the high bank; thence south-easterly following along the said bank to the River Irwell; thence southerly, westerly, and northerly, following that river to a point being the extremity of a straight line seven chains forty links in length measured from and at right angles to the continuation of the eastern boundary line before described; thence north-easterly following a line parallel to that boundary a distance of sixty-three chains; thence easterly at an angle of  $107^{\circ}$ , a distance of five chains to the road first before mentioned; and from thence returning along that boundary to the commencing point: and numbered 3783, 3784, and 3795 on the said map of the said Chief Surveyor; subject nevertheless to the Selwyn and Lake Road passing through this section in a north-westerly direction from the intersection with the road to the Selwyn to a point on the north-western boundary, being twenty-nine chains seventy-seven links north-east of the south-western corner of the same, and for which road allowance is made in the acreage. And also all that parcel of land, containing by admeasurement seventy-four acres (more or less), situate in the Ellesmere District aforesaid; bounded on the Northward by a road leading past Trig. Pole E1; on the Eastward by another road; on the Southward by Section 3350 and the high bank of the boundary creek; and on the Westward by Section 3784: and numbered 4060 on the said map of the said Chief Surveyor.

4. Also all that parcel of land, containing by admeasurement thirty-nine acres (more or less), situate in the Ellesmere District of the said Province of Canterbury, commencing at a point on the River Irwell where it is crossed by the western side of the road to the Selwyn, following along the same road in a northerly direction a distance of eight chains thirty links; thence westerly at a right angle a distance of twenty chains forty links to the River Irwell before mentioned; and from thence returning along the said stream to the commencing point: and numbered 3350 on the map of the Chief Surveyor of the said province, setting out and describing the rural land in the said Ellesmere District.

5. Also all that parcel of land, containing by admeasurement one hundred and twenty-three acres (more or less), situate in the Ashley District of the said Province of Canterbury, commencing at the junction of the road on the east side of Sections 2163 and 2412 with Marshman's Road, following north-easterly along the latter road a distance of eighty-two chains ninety-nine links; thence at a right angle north-westerly a distance of twenty-nine chains eighty links to the road first before mentioned; thence returning along the same to the commencing point: and numbered 2859 on the map of the Chief Surveyor of the Province of Canterbury, setting out and describing the rural land in the Ashley District aforesaid.

6. Also all that parcel of land, situate near Lake Ellesmere, in the Province of Canterbury, containing by admeasurement five hundred acres (more or less), being one moiety or half-part of the Rural Section numbered 3872 on the map of the Chief Surveyor of the said Province of Canterbury, setting out and describing the rural land in the Ellesmere District of the said province.

7. Also all that parcel of land, containing by admeasurement five hundred acres (more or less), situate in the Ashburton District of the said Province of Canterbury, commencing at a point on the south-western boundary of Section number 6422, the said point being distant thirteen chains fifty-one links from the southernmost corner of that section; thence north-westerly following the said south-western boundary a distance of one hundred and forty chains fifty-six links; thence south-westerly at a right angle thirty-five chains; thence south-easterly again at a right angle one hundred and forty-five chains sixteen links to the north-western boundary of Reserve number 318 (in red); and from thence returning north-easterly along the same thirty-five chains thirty-two links to the commencing point: and numbered 8191 and 8192 on the map of the Chief Surveyor of the Province of Canterbury, setting out and describing the rural land in the Ashburton District aforesaid.

8. Also all that parcel of land, containing by admeasurement five hundred and twenty-two acres (more or less), situate in the Ashburton District of the said Province of Canterbury, commencing at a point on the south-western side of the road forming the south-western boundary of Section number 8192, the said point being the north-eastern corner of Section number 15788; thence south-easterly along that road ninety-nine chains ninety-eight links; thence south-westerly along Reserve number 350 (in red) ten chains sixty-five links; thence north-westerly along a road eighty-seven chains thirty-four links; thence north-easterly and north-westerly along the road forming the south-eastern boundary of Section number 17297 thirty chains fourteen links and twenty-one chains thirty links; and from thence returning north-easterly fifty-three chains seventy-eight links to the commencing point: and numbered 17616 on the map of the Chief Surveyor of the Provincial District of Canterbury, setting out and describing the rural land in the Ashburton District aforesaid.

9. Also all that parcel of land, containing by admeasurement three acres and three rods (more or less), in fifteen quarter-acre sections numbered 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, and 1177 on the map of the Chief Surveyor of the Province of Canterbury, setting out and describing the Town of

Christchurch ; numbers 1164, 1166, 1168, 1170, 1172, 1174, and 1176, situate in and fronting upon St. Asaph Street ; numbers 1163, 1165, 1167, 1169, 1171, 1173, 1175, and 1177, situate in and fronting upon Barbadoes Street, in the Town of Christchurch aforesaid.

10. Also all that parcel of land, containing by admeasurement one acre and one rood (more or less), in five quarter-acre sections numbered 140, 141, 142, 143, and 144 on the map of the Chief Surveyor of the Province of Canterbury, setting out and describing the Town of Lyttelton.

11. Also all that parcel of land situate in the Province of Canterbury, containing by admeasurement two hundred and fifty acres (more or less), situated at Ōhoka, in the Mandeville District, commencing at a point shown by a marked stake on the stream near where a stream branches off through the wood ; thence in a south-westerly direction at a right angle to the general course of the stream a distance of forty-three and a half chains ; thence at a right angle sixty-three chains ; thence north-easterly at a right angle thirty-nine chains forty links to the main stream, and returning along the said stream to the commencing point : and numbered 339 on the map of the Chief Surveyor of the Province of Canterbury, setting out the rural lands in the Mandeville District.

12. Also all that parcel of land situate in the Province of Canterbury, containing by admeasurement two hundred acres (more or less), situated in the Christchurch District of the said province, commencing at a point on a road reserved along the high bank of the River Heathcote about twenty-five and a half chains west of Trig. Station C4 ; thence following a line parallel to and fifty links distant from the north-western boundary of Section 272 a distance of seventeen chains ; thence at a right angle south-easterly fourteen chains thirty-five links ; thence at a right angle south-westerly in a line parallel to and fifty links distant from the back of Sections 214, 225, 225A, and 210, a distance of forty-nine and a half chains ; thence north-westerly at a right angle five chains ninety links to the edge of the high bank of the River Halswell (Tai Tapu), following along the said high bank north-westerly about forty-five chains in a direct line ; thence north-easterly in a line parallel to the south-eastern boundary of this section a distance of fifty chains twenty links to the road reserved along the high bank of the River Heathcote, and returning by the said reserved road to the commencing point (a road one chain wide is reserved along the high bank of the River Heathcote in this section, for which allowance is made in the acreage) : and numbered 327 on the map of the Chief Surveyor of the said province, setting out the rural lands in the Christchurch District.

13. Also all that parcel of land, containing by admeasurement one hundred and forty-four acres (more or less), in the County of Ashburton. Bounded on the North-east by the road north-east of Section 28565 ; on the South-east by the road south-east of Section 27810 ; on the South-west by that section and a line in continuation of the north-east boundary of that section ; and on the North-west by a line parallel to the south-east boundary and about fifty chains distant therefrom, as described in the license to occupy the same : and intended to be numbered 30224 on the map of the said Chief Surveyor, setting out the rural land in the County of Ashburton aforesaid.

14. Also all that parcel of land, containing by admeasurement twenty-five acres (more or less), in the County of Ashburton. Bounded on the Northward by the road north of Section 28565 ; on the North-east by that section ; on the South-east by Section 27619 ; and on the South-west by Section 26242, as described in the license to occupy the same : and intended to be numbered 30225 on the map of the said Chief Surveyor, setting out the rural land in the County of Ashburton aforesaid.

15. Also all that parcel of land, containing by admeasurement one hundred and ninety-three acres (more or less), in the County of Akaroa. Bounded on the South-east by Section 31743 ; on the North-east and North-west by the continuation of the road north-east of that section ; and on the South-west by Section 31212, as described in the license to occupy the same : and intended to be numbered 31744 on the map of the said Chief Surveyor, setting out the rural land in the County of Akaroa aforesaid.

SCHEDULE B.

DEAN AND CHAPTER ESTATE.

16. Also all that parcel of land in the Province of Canterbury, containing by admeasurement four hundred acres (more or less), situated in the Christchurch District, commencing at four miles twenty-eight and a half chains on the North Road, following along the said road to five miles forty-one chains ; thence westerly at a right angle forty chains ; thence southerly at a right angle seventy-one chains, and on still southerly at an angle of 157° 45' thirty-seven chains sixty links ; thence at a right angle easterly forty chains to the commencing point : and numbered 243 on the map of the Chief Surveyor of the said province, setting out and describing the rural land in the Christchurch District aforesaid ; subject nevertheless to a road thirty-three feet wide crossing this section from east to west, parallel to and at twenty-seven and a half chains from the southern boundary, and for which road allowance has been made in the acreage.

17. Also all that parcel of land in the Province of Canterbury, containing by admeasurement two hundred acres (more or less), situate in the Christchurch District,

commencing at five miles forty-three chains on the North Road, following along the road northerly fifty chains and extending back easterly forty chains in a rectangular block; and numbered 243a on the map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch District aforesaid.

18. Also all that parcel of land in the Province of Canterbury, containing by admeasurement one hundred acres (more or less), situate in the Christchurch District, commencing at a point on the northern side of the Christchurch Town Reserve thirty and a half chains east of where the said reserve is crossed by the North Road, following easterly along the said reserve twenty-five chains, and extending back northerly forty chains in a rectangular block: and numbered 243b on the map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch District aforesaid.

19. Also all that parcel of land in the Province of Canterbury, containing by admeasurement fifty acres (more or less), situate in the Christchurch District, commencing at three miles twenty-five and a half chains from Christchurch on the Lower Lincoln Road, following along the road south-westerly twelve chains, and extending back to the south-eastward forty-one chains eighty links in a rectangular block: and numbered 243c on the map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch District aforesaid.

20. Also all that parcel of land in the Province of Canterbury, containing by admeasurement fifty acres (more or less), situate in the Christchurch District, commencing at four miles twelve and a half chains on the Lower Lincoln Road; thence at a right angle south-easterly forty chains; thence south-westerly at a right angle eight chains eighty links; thence north-westerly in a direct line forty chains ninety-four links to the turn of the road at four miles thirty chains, and returning along the road north-easterly to the commencing point: and numbered 243d on the map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch District aforesaid.

21. Also all that parcel of land in the Province of Canterbury, containing by admeasurement one hundred acres (more or less), situate in the Harbour of Port Victoria, opposite Lyttelton, commencing at a point near Church Bay, the said point bearing on Cass's Peak south 69° 53' west (magnetic), and on Mount Pleasant north 15° 54' west (magnetic); thence north 37° 30' west (magnetic) a distance of forty-two chains seventy links; thence westerly and southerly following the road reserved from high-water mark to a point distant forty-eight chains fifty-nine links as measured in a straight line; and from thence returning north-easterly in a straight line twenty-three chains twenty links to the commencing point: and numbered 243e on the map of the said Chief Surveyor, setting out and describing the rural land in the Harbour of Port Victoria, opposite Lyttelton aforesaid.

22. Also all that parcel of land in the Province of Canterbury, containing by admeasurement one hundred acres (more or less), situate in the Christchurch District, commencing at one mile forty-five chains on the North Road, following along the road northerly twenty-five chains, and extending back easterly forty chains in a rectangular block: and numbered 243f on the map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch District aforesaid.

23. Also all that parcel of land situated in the District of Lincoln, containing two roods nine perches (or thereabouts). Bounded as appears in the plan on certificate of title, Vol. xxix., folio 253, which said piece of land is part of the Rural Section marked 14952 on the public map of the said district, deposited in the office of the said Chief Surveyor.

#### SCHEDULE C.

BOUNDED towards the North by the River Hurunui from its mouth to its source; thence by a straight line drawn to the source of the River Teremakau; thence following the Teremakau to its mouth; towards the North-west by the coast line, including the islands adjacent thereto; towards the South and South-west by the River Awarua from its mouth to its source; thence by a straight line drawn to the source of the River Waitangi; thence by that river to its mouth: and towards the East and South-east by the coast line, including the islands adjacent thereto as well as the Chatham Islands.

#### SCHEDULE D.

##### LANDS VESTED IN BISHOP SELWYN.

ALL that parcel of rural land situate in the Christchurch District of the said province, containing two acres or thereabouts, statute measure (be the same more or less), being part of Rural Section numbered 30 on the map of the Chief Surveyor of the said Province of Canterbury, setting out and describing the rural land in the said district, commencing at a point four chains and eighteen links from the western boundary of the said section, and four chains fifty links from the northern boundary thereof; thence extending due south four chains nineteen links; thence due east four chains seventy-seven links; thence due north four chains and nineteen links; and thence four chains seventy-seven links to the commencing point: together with full and free right-of-way and passage for all persons, with or without carts, carriages, and horses, through and over a certain private road twelve feet wide, extending at right angles from the centre of the northern

boundary of the parcel of land hereinbefore described to the northern boundary of the said section, and a like right-of-way and passage at right angles from the south-western corner of the parcel of land hereinbefore described through and over a certain private road twelve feet wide, leading to the western boundary of the said section.

Also all that parcel of rural land situate within the Christchurch District, in the Province of Canterbury, containing two acres or thereabouts, statute measure (be the same more or less), being part of the Rural Section numbered 34 on the map of the Chief Surveyor of the said province, setting out and describing the rural land in the said Christchurch District, commencing at a point on the Sumner Road at the western corner of the said section; thence extending in a north-easterly direction along the north-west boundary of the said section eight chains; thence at a right angle in a south-easterly direction two chains and fifty links; thence at a right angle in a south-westerly direction eight chains to the Sumner Road; and thence along the said road two chains and fifty links to the commencing point.

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SCHEDULE E.

MEMORANDUM of the choice and appointment of a new Trustee [*or new Trustees*] under the provisions of the Ordinance of the Superintendent and Provincial Council of the late Province of Canterbury intituled "The Church Property Trust Amendment Ordinance, 1867," at the session of the Diocesan Synod of the Diocese of Christchurch holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and of which \_\_\_\_\_ was President [*or at a meeting of the Standing Committee convened for that purpose and held in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and of which \_\_\_\_\_ was Chairman*].

[*Here insert minute of appointment by the Synod or Standing Committee.*]

Dated at \_\_\_\_\_, in the Colony of New Zealand, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_. (L.S.) A.B.

Signed by the said A.B. as President [*or Chairman*] of the said Synod [*or of the said meeting of the said Standing Committee*], in the presence of

C.D.,  
Secretary of the said Synod [*or Standing Committee*].

I, C.D., acting as Secretary of the Synod [*or Secretary of the Standing Committee*] at its annual session [*or meeting*], holden at \_\_\_\_\_, aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, do hereby certify that the above is a true extract from the minutes kept by me of the proceedings of the said Synod [*or Standing Committee*].

C.D.,  
Secretary.