

No. XXVII.

AUCKLAND HOSPITAL
AND GRAMMAR
SCHOOL RESERVES.

AN ACT to vest in the Superintendent of the Province of Auckland certain Lands heretofore granted to Trustees as Reserves for a Hospital and for Grammar Schools. [14th August, 1856.]

Preamble.

WHEREAS by three several Crown Grants bearing date respectively the twenty-fourth day of August, one thousand eight hundred and fifty, the twenty-eighth day of October, one thousand eight hundred and fifty, and the twenty-fourth day of April, one thousand eight hundred and fifty-one, all those several allotments or parcels of land mentioned or described in the First Schedule to this Act annexed were granted to Andrew Sinclair, Esquire, the Colonial Secretary, William Swainson, Esquire, the Attorney-General, and Alexander Shepherd, Esquire, the Colonial Treasurer, and other the person or persons for the time being respectively discharging the duties of the said offices, upon trust for the site and for an endowment for or towards the maintenance and support of a hospital, as in the said grants respectively mentioned, and upon further trust to convey the said allotments or parcels of land unto such other person or persons, either jointly with themselves or otherwise, as the Governor of the Province of New Ulster should from time to time in writing under his hand direct and appoint, subject nevertheless to the trusts and with the powers in the said grants respectively declared and contained: And whereas by three several deeds poll bearing date respectively the twentieth day of April, one thousand eight hundred and fifty-four, and indorsed on the three said recited Crown Grants respectively, all those same allotments or parcels of land were conveyed and assured unto Robert Henry Wynyard

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Wynyard, Superintendent of the Province of Auckland, Frederick Whitaker, Daniel Pollen, John Anderson Gilfillan, and James Thomas Boylan, Members of the Executive Council of the said Province, and James O'Neill and Patrick Dignan, and unto the Superintendent and Members of the Executive Council of the said Province for the time being, to hold the said allotments or parcels of land upon the trusts and with the powers by the said recited Crown Grants expressed and declared of and concerning the same: And whereas by four other Crown Grants bearing date respectively the twenty-fourth day of October, one thousand eight hundred and fifty, the twenty-eighth day of October, one thousand eight hundred and fifty, the fourteenth day of April, one thousand eight hundred and fifty-one, and the ninth day of December, one thousand eight hundred and fifty-three, all those several allotments or parcels of land mentioned or described in the Second Schedule to this Act annexed were granted to Andrew Sinclair, Esquire, the Colonial Secretary, William Swainson, Esquire, the Attorney-General, and Alexander Shepherd, Esquire, the Colonial Treasurer, or other the person or persons for the time being respectively discharging the duties of the said offices, upon trust as an endowment for or towards the maintenance of a college and grammar school or schools as in the said grants respectively mentioned, and upon further trust to convey the said allotments or parcels of land unto such other person or persons, either jointly with themselves or otherwise, as the Governor of the Province of New Ulster should from time to time in writing under his hand direct and appoint, subject nevertheless to the trusts and with the powers in the said grants respectively declared and contained: And whereas by four several deeds poll indorsed on the lastly recited Crown Grants, three of which indorsed deeds bear date respectively the twentieth day of April, one thousand eight hundred and fifty-four, and the fourth of which indorsed deeds bears date the eighth day of May, one thousand eight hundred and fifty-four, all those same allotments or parcels of land were conveyed and assured unto Archibald Clark, Laughlin O'Brien, William Connell, Thomas Russell, David Nathan, John Anderson Gilfillan, and Frederick Ward Merriman, to hold the same upon the trusts and with the powers by the said Crown Grants respectively expressed and declared of and concerning the same: And whereas doubts have arisen as to the validity and effect of the said recited Crown Grants and the said recited conveyances, and the Trustees, by such conveyances appointed, have not taken upon themselves the trusts thereof: And whereas, in order to the due management and administration of the said trusts lands, it is expedient that the same should be vested in the Superintendent of the Province of Auckland and his successors, subject to the provisions of an Act of the General Assembly of New Zealand, entitled "*The Public Reserves Act, 1854*:"

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

1. All the lands mentioned or described in Schedule A to this Act annexed are hereby vested in the Superintendent of the Province of Auckland and his successors, and shall for all purposes whatsoever be deemed to have been lands duly granted to him and his successors, under "*The Public Reserves Act, 1854*," for the purposes specified respectively in the three several Crown Grants firstly hereinbefore recited.

2. All the lands mentioned or described in Schedule B to this Act annexed are hereby vested in the Superintendent of the Province of Auckland and his successors, and shall for all purposes whatsoever be deemed

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Of doubts of validity of grants.

Lands described in Schedule A vested in Superintendent of Auckland subject to certain trusts.

Lands described in Schedule B vested in Superintendent of Auckland subject to certain trusts.

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deemed to have been land duly granted to him and his successors under "*The Public Reserves Act, 1854*," for the purposes specified respectively in the four several Crown Grants secondly hereinbefore recited.

Leases heretofore granted valid.

3. All leases heretofore made of any portions of the said lands shall be deemed to have been valid leases of the land therein respectively comprised, notwithstanding any defect in the title of the Trustees by whom the said leases were respectively made.

Arrears of rent payable to Superintendent.

4. All rents and arrears of rent and other moneys now due or recoverable in respect of any of the said lands, or in respect of the occupation thereof, shall be payable and paid to and recoverable by the said Superintendent and his successors.

Rights &c. of Superintendent same as though leases granted by him.

5. The said Superintendent and his successors shall in all respects have and exercise all the rights remedies and powers as though the said leases respectively had been duly made by the said Superintendent to the respective lessees therein named.

Short Title.

6. This Act may be cited for all purposes as "*The Auckland Hospital and Grammar School Reserves Act, 1856*."

SCHEDULES.

SCHEDULE A.

1. All that allotment or parcel of land, containing one rood and one perch (more or less), being No. 12 of Section No. 4 of the Town of Auckland, in the Parish of Waitemata, in the County of Eden.
2. All that allotment or parcel of land, containing one rood and thirty-seven perches (more or less), being No. 16 of Section No. 7 of the Town of Auckland aforesaid.
3. All that allotment or parcel of land, containing one rood and three perches (more or less), being No. 8 of Section No. 15 of the Town of Auckland aforesaid.
4. All those allotments or parcels of land, containing one rood and thirty-six perches (more or less), being Nos. 7, 8, 9, and 10 of Section No. 9 of the Town of Auckland aforesaid.
5. All that piece or parcel of land, containing thirteen perches (more or less), being the western half of allotment No. 17A of Section No. 4 of the Town of Auckland aforesaid.
6. All that allotment or parcel of land, containing two roods and sixteen perches (more or less), being No. 1 of Section No. 31 of the Town of Auckland aforesaid.
7. All that allotment or parcel of land, containing seven acres and one rood (more or less), being No. 21A of Section No. 11 of the Suburbs of Auckland aforesaid.
8. All that allotment or parcel of land, containing fourteen acres and eight perches (more or less), being No. 8A of Section No. 12 of the Suburbs of Auckland aforesaid.
9. All that allotment or parcel of land, containing fifty-three acres (more or less), being No. 7A of Section No. 12 of the Suburbs of Auckland aforesaid.
10. All that allotment or parcel of land, containing twenty-seven acres and twenty-three perches (more or less), being No. 17A of Section No. 12 of the Suburbs of Auckland aforesaid.
11. All that allotment or parcel of land, containing four acres and one rood (more or less), being No. 14A of Section No. 12 of the Suburbs of Auckland aforesaid.
12. All those allotments or parcels of land, containing one hundred and two acres one rood and twenty-four perches (more or less), being Nos. 14, 15, 16, 17, and 20 of the Parish of Takapuna, County of Eden aforesaid.
13. All that allotment or parcel of land, containing thirty-one acres and two roods (more or less), being No. 18 of Section No. 9 of the Suburbs of Auckland aforesaid.
14. All that allotment or parcel of land, containing forty acres (more or less), being No. 24 of Section No. 6 of the Suburbs of Auckland aforesaid.
15. All that section, containing three acres three roods and twenty-seven perches (more or less), being Section No. 98 of the Suburbs of Auckland aforesaid.
16. All that allotment or parcel of land, containing twelve acres (more or less), situated in the Suburbs of Auckland aforesaid, being allotment No. 41 of Section No. 3.
17. All that allotment or parcel of land, containing by admeasurement three acres and fourteen perches (more or less), situated in the Suburbs of Auckland aforesaid, being allotment No. 1 of Section No. 99.

SCHEDULE B.

Friendly Societies.

SCHEDULE B.

1. All that allotment or parcel of land, containing by admeasurement three acres (more or less), situate in the Town of Auckland aforesaid, being No. 1 of Section No. 10.
 2. All those allotments or parcels of land, containing one rood and thirty-six perches (more or less), situated in the Town of Auckland aforesaid, and being Nos. 11, 12, 13 and 14 of Section No. 9.
 3. All those allotments or parcels of land, containing sixteen acres and twenty perches (more or less), situated in the Suburbs of Auckland aforesaid, and being Nos. 2c, 2d, 2e, and 2f of Section No. 10.
 4. All those allotments or parcels of land, containing one acre one rood and twenty perches (more or less), situated in the Town of Auckland aforesaid, and being Nos. 14, 15, 16, 17, and 18 of Section No. 22.
 5. All those allotments or parcels of land, containing fourteen acres one rood and twenty-seven perches, situated in the Suburbs of Auckland aforesaid, and being Nos. 18 and 19 of Section No. 4.
 6. All that allotment or parcel of land, containing one hundred and fifty-five acres (more or less), situated in the Parish of Pakuranga, in the County of Eden aforesaid, and being farm No. 59.
 7. All that piece or parcel of land situated in the Parish of Pakuranga aforesaid, containing fifty-three acres (more or less), being part of farm No. 17.
 8. All that allotment or parcel of land, containing nine acres and one rood (more or less), situated in the Suburbs of Auckland aforesaid, and being No. 9 of Section No. 95.
 9. All those allotments or parcels of land, containing nineteen acres and two roods (more or less), situated in the Suburbs of Auckland aforesaid, being Nos. 23A and 23B of Section No. 6.
 10. All that allotment or parcel of land, containing five acres (more or less), situated in the Parish of Takapuna aforesaid, and being No. 20 of Section No. 2.
 11. All that allotment or parcel of land, containing three acres (more or less), situated in the Suburbs of Auckland aforesaid, and being No. 2 of Section No. 15.
 12. All those allotments or parcels of land, containing four acres (more or less), situated in the City of Auckland aforesaid, and being Nos. 20 and 21 of Section No. 9.
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