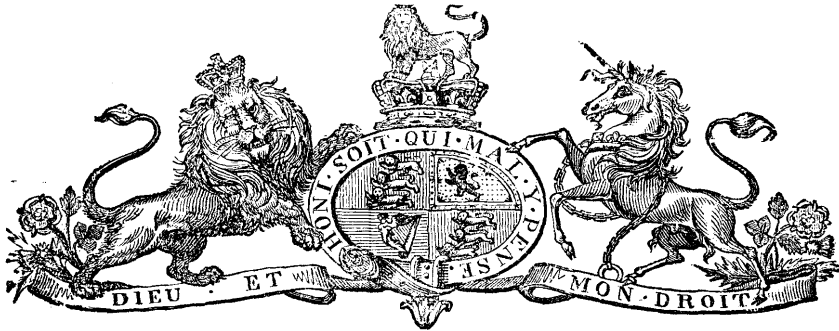


NEW ZEALAND



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 18.

ANALYSIS.

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AN ACT to authorise the Sale of certain Lands at Takapuna, in the North Suburbs of Auckland, appropriated for the Maintenance and Education of Children of both Races and of Children of other poor Persons being Inhabitants of the Islands in the Pacific Ocean; and likewise to authorise the Sale of Land situated in Nelson Street, City of Auckland, and set apart as a site for the erection of a Church for the Roman Catholic Natives. [3rd July, 1858.]

WHEREAS by a certain Deed of Grant bearing date the 19th day of August, 1850, under the seal of the Province of New Ulster, Reciting that a School hath been established by the Government in the Suburbs of Auckland for the Education of children of Her Majesty's Subjects of both Races, and of children of other poor and destitute persons being inhabitants of the Islands of the Pacific

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Ocean; And reciting that it would promote the objects of the said Institution to set apart certain pieces or parcels of land in the immediate neighbourhood thereof, for the use and towards the support and maintenance of the same, All that allotment number (22) twenty two, Parish of Takapuna, County of Eden, bounded on the North by a Road (780) seven hundred and eighty links, on the East by a swamp by number (23) twenty three, (2030) two thousand and thirty links, on the South by a Road (690) six hundred and ninety links, and on the West by a Road (2580) two thousand five hundred and eighty links, and containing (19a. 3r. 33p.) nineteen acres three roods and thirty three perches, more or less. All those allotments being numbers (32) thirty two, (33) thirty three, and (34) thirty four in the Parish before named, bounded on the North by a Road (1540) one thousand five hundred and forty links and (3375) three thousand three hundred and seventy five links, on the West by a Road (2280) two thousand two hundred and eighty links, on the South by a Road (760) seven hundred and sixty links, and by a swamp, and on the East, by Shoal Bay, and together containing (66a. 2r. 9p.) sixty six acres two roods and nine perches, more or less.

All those allotments being numbers (35) thirty five, (36) thirty six and (37) thirty seven of the Parish before named, bounded on the North by Shoal Bay, on the West by a Road, (1680) one thousand six hundred and eighty links, on the south by a road, (3300) three thousand three hundred links, and (1510) one thousand five hundred and ten links, and together containing (66a. 2r. 34p.) sixty six acres two roods and thirty-four perches, more or less.

And all those allotments being numbers (39) thirty nine, (40) forty, (41) forty one, (42) forty two, (43) forty three, (44) forty four, (45) forty five, (46) forty six, (47) forty seven, (48) forty eight, (49) forty nine, (50) fifty, of the Parish before named, bounded on the North by number (68) sixty eight, (1700) one thousand seven hundred links, and by number (38) thirty-eight (1000) one thousand links, and (1740) one thousand seven hundred and forty links, on the East by a Road (5000) five thousand links, on the south by a Road (4000) four thousand links, and on the West by a Road (8000) eight thousand links, and together containing (223a. 0r. 32p.) two hundred and twenty acres and thirty two perches more or less, together with the rents issues and proceeds thereof were granted unto The Bishop of the Roman Catholic Church at Auckland, and his successors Bishops of the Roman Catholic Church at Auckland, to hold unto the said Bishop and his successors, in Trust nevertheless, and for the use, or towards the support and maintenance of the said School, so long as Religious Education, Industrial Training, and Instruction in the English language, shall be given to youth educated therein, or maintained thereat.

AND WHEREAS by Deed of Grant bearing date the 16th day of September, in the year 1852, under the Seal of the Province of New Ulster, all that piece or parcel of Land, containing by admeasurement 1r. 2p. one rood and two perches more or less,

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situated in the City of Auckland, Parish of Waitemata, County of Eden, and being number (10) ten, of Section (25) twenty-five, bounded on the North by number (9) nine, (291) two hundred and ninety one links, on the East by number (7) seven, (90) ninety links, on the South by number (11) eleven, (291) two hundred and ninety one links, and on the West by Nelson Street, together with all the rights and appurtenances whatsoever thereto belonging, was granted unto the Bishop of the Roman Catholic Church at Auckland for the time being in Trust, as a Site for the Erection of a Church for the Roman Catholic Natives.

AND WHEREAS by Deed of Grant bearing date the 5th day of November, in the year 1853, under the Public Seal of the Colony of New Zealand, all that piece or parcel of land containing by admeasurement (4a. 3r.) four acres three roods, more or less, situate in the Parish of Waitemata and County of Eden, and being allotment No. (15) fifteen of Section No. (8) eight, of the Suburbs of Auckland, bounded on the North and East by high-water mark of the Harbour of Waitemata; on the South by lot No. (16) sixteen of the same section, (980) nine hundred and eighty links, and on the West by lot No. (14) fourteen of the same section, (408) four hundred and eight links, together with the rents, issues, and proceeds thereof, was granted unto The Bishop of the Roman Catholic Church at Auckland, and his successors, Bishops of the Roman Catholic Church at Auckland, to hold unto the said Bishop and his successors, in Trust nevertheless, and for the use or towards the support and maintenance and the Education of children of both Races, and of children of other poor and destitute persons being inhabitants of the Islands in the Pacific Ocean.

AND WHEREAS the Right Rev. Jean Baptiste Francois Pompallier is the present Bishop of the Roman Catholic Church at Auckland :

AND WHEREAS for the purpose of promoting the objects of the Trusts declared by the said Deed of Grant of the 19th day of August 1850, the said Bishop is desirous that such Bishop, or other the Trustee for the time being of the pieces of land and other hereditaments therein comprised, should be empowered to sell and dispose of the same hereditaments and to invest the monies arising from the sale thereof, in the purchase and improvement of other lands to be held upon trust for the maintenance of a School or Schools, within ten miles of the City of Auckland, in connexion with the Roman Catholic Church, wherein Religious Education Industrial Training, and Instruction in the English language should be given to children of poor or destitute persons, being inhabitants of the Colony and Her Majesty's subjects without distinction of Race, or being inhabitants of any of the Islands in the Pacific Ocean :

AND WHEREAS it hath been represented by the said Bishop that the said piece of land comprised in the said Deed of grant of the 16th day of September 1852, is not a convenient site for the erection of a Church for the Roman

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Catholic Natives, and that a part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November 1853, would be a suitable site for that purpose, and it is therefore expedient that the said Bishop, or other the Trustee for the time being of the said piece of land comprised in the said Deed of Grant of the 16th day of September 1852, should be empowered to sell and dispose of the same, and to invest the monies arising from the sale thereof in the erection of such a Church on some part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November, 1853.

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

Power to sell lands,
&c., at Auckland.

I. It shall be lawful for the said Jean Baptiste Francois Pompallier, Bishop of the Roman Catholic Church at Auckland, or other the Trustee for the time being of the said pieces of land and hereditaments, comprised in the said Deeds of Grant, dated respectively the 19th day of August, 1850, and the 16th day of September, 1852, at any time or times, after the passing of this Act, absolutely to sell and dispose of the said Trust Premises, or any part thereof, either by Public Auction or by Private Contract, and in such manner as the Trustee for the time being shall think fit and to convey the fee simple and inheritance of the same Trust Premises when sold, to the person or persons, who shall agree to become the purchaser or purchasers thereof.

Trustees to invest proceeds in purchase of other lands and to erect buildings and hold the same upon like Trusts.

II. The said Bishop or other the said Trustee for the time being shall immediately after such Sale, or so soon as convenient, lay out and invest the money which shall arise from the sale of the hereditaments comprised in the said Deed of Grant, dated the 19th day of August, 1850, in the purchase in his own name of other lands: Provided, that any part of the said money, not exceeding the value of the improvements on the hereditaments comprised in the said Deed of Grant, dated the 19th day of August, 1850, as estimated by some qualified person to be appointed for the purpose by the Governor, may, with the approval of the Governor, be laid out in the erection of a School House or other Buildings for the purposes of the Trust, upon the land so to be purchased, or in fencing, draining or otherwise improving the same.

Appointment of Trustees.

III. The said Right Rev. Jean Baptiste Francois Pompallier Roman Catholic Bishop of Auckland, his Heirs and Assigns, shall stand and be seized of the hereditaments so to be purchased as aforesaid, upon Trust for the maintenance of a School or Schools within ten miles of the city of Auckland, in connexion with the Roman Catholic Church, wherein Religious Education, Industrial Training, and Instruction in the English language, shall be given to children of poor and destitute persons, being inhabitants of the Colony, and Her Majesty's subjects, without distinction of Race, or being inhabitants of any of the Islands in the Pacific Ocean.

Trustees to invest part of proceeds in erecting Chapel.

IV. The said Bishop or other the said Trustee for the time being, shall lay out and invest the money which

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shall arise from the sale of the hereditaments comprised in the said Deed of Grant, dated the 16th day of September, 1852 in the erection on any part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November, 1853, of a Church or Chapel for the use of the Roman Catholic Natives, provided that the remaining portion of the same piece of land shall continue to be held upon the Trusts thereof declared by the said Deed of Grant, dated the 5th day of November, 1853.

V. Every receipt which shall be given by the said Bishop or other the said Trustee for the time being, for the purchase money of the hereditaments hereby authorised to be sold, shall be a good, valid, and sufficient acquittance for the same, and every sale which shall be made and every contract which shall be entered into and every conveyance which shall be executed, by the said Bishop or other the Trustee for the time being, under the authority of this Act, shall be binding and conclusive on all persons claiming any benefit or interest under the Trusts of the said Deed of Grant of the 19th day of August 1850, or under the Trusts of the said Deed of Grant of the 16th day of September, 1852.

Trustees receipt to be sufficient discharge.

VI. The short Title of this Act shall be the "Auckland Roman Catholic Endowments Sales Act, 1858." Short Title