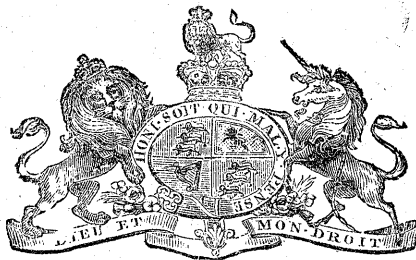


New Zealand.



ANALYSIS.

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1886, No. 2.—*Private.*

AN ACT to authorize the Leasing of the Cathedral-site, Parnell. Title.
[9th August, 1886.]

WHEREAS, by Crown grants bearing date the eighteenth day of Preamble.
July, in the year of our Lord one thousand eight hundred and forty-three, and numbered respectively, in the Registry of Deeds, 127A and 132A, a certain allotment described in the Schedule to this Act, and a certain other allotment, part of which is described in the Schedule to this Act, were respectively granted and assured unto the Right Reverend George Augustus, Lord Bishop of New Zealand, and his successors for ever :

And whereas, by indorsements made upon the said Crown grants respectively, under the hand of the said Bishop of New Zealand, it is declared that the lands comprised in the said Crown grants respectively were holden by him in trust for religious and charitable purposes, and should be held by him and his successors upon and for such trusts, intents, and purposes, to dispose of the same for such estates and interests, and with, under, and subject to such powers, provisoes, and declarations as to the Lord Bishop of New Zealand for the time being should seem meet for the purposes aforesaid :

And whereas, at the constitution agreed to at a General Conference of bishops, clergy, and laity of the United Church of England and Ireland in the Colony of New Zealand, assembled at Auckland on the thirteenth day of June, one thousand eight hundred and fifty-seven, it was, amongst other things, provided that the General Synod of the said Church might from time to time, under the hand of any person authorized by it in that behalf, appoint a trustee or trustees for the whole or any portion of the property held in trust for or in behalf of the said General Synod, and that every trustee in whom any property is vested shall hold the same with the powers and subject to the limitations, restrictions, declarations, and provisoes contained in the several clauses of the Schedule to the said constitution annexed :

And whereas, by an Act of the General Assembly called "The

Bishop of New Zealand's Trust Act, 1858," after reciting that certain allotments or parcels of land, hereditaments, and premises had from time to time been granted, conveyed, and assured unto the said George Augustus, Bishop of New Zealand, and his successors Bishops of New Zealand, it is enacted that it should be lawful for the said Bishop of New Zealand to convey and assure the said hereditaments and premises, or any of them, to such trustee or trustees as the said General Synod should appoint in that behalf, subject, nevertheless, to the trusts and for the intents and purposes for which the same were respectively conveyed to or were held in trust by the said George Augustus, Bishop of New Zealand :

And whereas, at a meeting held at Wellington on the twenty-third day of March, one thousand eight hundred and fifty-nine, it was resolved by the said General Synod that the several trust properties particularly described as set forth in Schedules A (which comprised the said allotment and part of allotment) B, C, and D, as laid upon the table of the Synod by the Bishop of New Zealand, and proposed to be conveyed by him to the General Synod, or to trustees on behalf of the General Synod, be accepted by the General Synod subject to the trusts with which respectively they were or might be thereafter impressed, as in the said schedules were particularly set forth, being as respects the said allotment and part of allotment as and for the site of a cathedral, and that the Right Reverend the Bishop of New Zealand, the Venerable George Adam Kissling, Archdeacon of Waitemata, William Martin, Esquire, Doctor of Civil Law, and the Honourable William Henry Kenny, Member of the Legislative Council of New Zealand, should be appointed trustees for the several allotments or parcels of land set forth or described in the Schedule A before mentioned, except the allotment or parcels of land described in the said schedule as five acres two roods and five perches, as a site for the Auckland Grammar School, leaving in the said Schedule A the aforesaid allotment and part of allotment, and that the appointment of such trustees as aforesaid should be made under the hand of the Chairman of the Standing Commission of the said Synod :

And whereas, by a resolution of the said Standing Commission, passed at a meeting held at Auckland on the twelfth day of July, one thousand eight hundred and fifty-nine, the said George Augustus, Bishop of New Zealand, was duly appointed Chairman thereof :

And whereas, by an instrument in writing bearing date the ninth day of August, one thousand eight hundred and fifty-nine, under the hand of George Augustus, Bishop of New Zealand, as Chairman of the said Standing Commission, the said General Synod appointed the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny to be trustees for the management of (amongst others) the aforesaid allotment and part of allotment :

And whereas, by a deed bearing date the ninth day of August, one thousand eight hundred and fifty-nine, and made between the said George Augustus, Bishop of New Zealand, of the one part, and the Honourable Frederick Whitaker, Esquire, Attorney-General of New Zealand, of the other part, for the purpose of vesting the said lands in the trustees so appointed, the said George Augustus, Bishop of New

Zealand, did convey and assure unto the said Frederick Whitaker and his heirs (amongst other lands) the said allotment and part of allotment, with the appurtenances, upon trust, and for the intent and purpose that he, the said Frederick Whitaker, should convey and assure the same unto the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny, and their heirs, to be by them holden upon and for the trusts, intents, and purposes upon and for which the same were theretofore holden by the Bishop of New Zealand as aforesaid :

And whereas, by a deed bearing date the ninth day of August, one thousand eight hundred and fifty-nine, made between the said Frederick Whitaker of the one part, and the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny of the other part, the said Frederick Whitaker did convey and assure unto the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny, and their heirs (amongst other lands) the said allotment and part of allotment upon trust, that they, the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny should stand seised and possessed thereof, and as for the site and precincts of a cathedral church for the diocese in which the City of Auckland shall for the time being be comprised, and of other buildings appertaining to the said cathedral church; and upon trust that the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny should stand seised and possessed of the rents, issues, and profits of the said allotment and part of allotment for or towards all or any one or more of the purposes following—that is to say, the permanent endowment of bishoprics of the said Church in New Zealand, the building, maintaining, and repairing of cathedral churches and bishops' houses in the several dioceses of the said Church in New Zealand, and of buildings appertaining to such cathedral churches and bishops' houses, the maintaining and repairing of Saint Stephen's Chapel aforesaid, the maintenance of candidates for holy orders whilst under instruction or examination by the Bishop or his chaplain previously to ordination, the defraying of the expenses of meetings of Synods, and of registration, and of visitations of bishops and archdeacons; and should pay and apply the said rents, issues, and profits to all or one or more of the purposes aforesaid, in such proportions, with such priorities, under such conditions, and in such manner as the General Synod of the said Church should from time to time direct in that behalf, and until such direction be given should pay and apply the said rents, issues, and profits to all or any one or more of the purposes aforesaid, in such proportions, with such priorities, under such conditions, and in such manner as to the trustees for the time being should seem fit; and upon trust the said George Augustus, Bishop of New Zealand, George Adam Kissling, William Martin, and William Henry Kenny should stand seised of and interested in the said allotment and part of allotment, and the rents, issues, and profits thereof, for and on behalf of the said General Synod or otherwise, should convey, assure, and assign the same upon and for or according to such trusts, intents, and purposes, and under and subject

to such powers, provisoes, declarations, and agreement, and in such manner and for such objects and purposes as the said General Synod should from time to time direct, or appoint in writing, under the hand of any person authorized by the General Synod in that behalf, subject, nevertheless, to the trusts and purposes thereintofore expressed and declared concerning the same :

And whereas, by divers deeds of conveyance and appointments of new trustees, dated respectively the twenty-fourth day of September, one thousand eight hundred and sixty-eight, the thirtieth day of December, one thousand eight hundred and sixty-eight, the fifteenth day of January, one thousand eight hundred and seventy-four, and the twenty-eighth day of January, one thousand eight hundred and seventy-eight, and by sundry memoranda of the choice and appointment of new trustees made in pursuance of "The Religious, Charitable, and Educational Trusts Act, 1856," and under the authority and by the direction of the said General Synod dated respectively the sixth day of March, one thousand eight hundred and seventy-nine, the first day of October, one thousand eight hundred and seventy-nine, the sixteenth day of June, one thousand eight hundred and eighty, the twentieth day of May, one thousand eight hundred and eighty-one, the fifteenth day of June, one thousand eight hundred and eighty-two, the twelfth day of October, one thousand eight hundred and eighty-two, the fourth day of October, one thousand eight hundred and eighty-three, and the fifteenth day of April, one thousand eight hundred and eighty-four, the said allotment and part of allotment became vested in William Garden Cowie, Bishop of Auckland, the Reverend Robert Burrows, James Dacre, James Dilworth, George Patrick Pierce, John Dickenson Jackson, Theophilus Kissling, Henry Brett, and John Henry Upton as trustees thereof as aforesaid :

And whereas, on the first day of May, one thousand eight hundred and eighty-five, the said last-named nine persons were incorporated under "The Religious, Charitable, and Education Trust Boards Incorporation Act, 1884," under the name of the General Trust Board of the Diocese of Auckland (hereinafter called "The General Trust Board") :

And whereas, at a meeting of the said General Synod held in Auckland on the fifteenth day of February, one thousand eight hundred and eighty-six, the General Synod authorized the said General Trust Board to apply to Parliament for authority to lease for building-sites such portions of the aforesaid cathedral estate as are not required for the actual site of the cathedral, for such period and on such terms as the Diocesan Synod of Auckland shall approve :

And whereas the objects set forth in the above resolution are the objects of this Act, and are not attainable otherwise than by legislation :

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

Short Title.

1. The Short Title of this Act is "The Cathedral-site, Parnell, Leasing Act, 1886."

Leasing-powers.

2. The General Trust Board may from time to time, by any deed, lease the said allotment and part of allotment, or any part or parts

thereof, in one or more parcels, to any person or persons, for any term or terms not exceeding sixty years, in possession and not in reversion, at such rent or rents, and subject to such covenants and provisoes, as the Diocesan Synod of Auckland may from time to time approve, and shall apply the rents to be obtained to the purposes to which the annual income or proceeds of the said trust property shall for the time being be applicable.

3. The receipt in writing of the Secretary of the said General Trust Board, or of any agent duly appointed in that behalf, shall be a good and effectual discharge for all money paid as rent under a lease made in pursuance of this Act, and shall exonerate the person 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 lessee to whom such lease as aforesaid shall be made to inquire as to the necessity for or propriety of such lease, or as to the approval of the said Diocesan Synod. Payment of moneys.

SCHEDULE.

Schedule.

ALL that allotment or parcel of land in New Zealand, containing by admeasurement 5 acres 2 roods 22 perches, more or less, situated in the Suburbs of Auckland, Parish of Waitemata, County of Eden, Suburban Lot No. 8 of Section No. 4; bounded on the North-east by a road, 693 links; on the South-east by Lot No. 9, 892 links; on the South-west by Lot No. 13, 605 links; and on the North-west by a road, 554 links and 250 links. And all that triangular piece of land, being parcel of Allotment No. 13 of the said Section No. 4, containing by admeasurement 3 roods 25 perches; bounded towards the North-east by Lot No. 8 of the same section, 605 links; towards the South by other part of the said Allotment No. 13, 444 links; and towards the West by a road, 420 links. Except such part thereof as is required and is now set out for a cathedral-site, containing by admeasurement 2 roods 19 perches, of which the westerly boundary commences at a point on the Manukau Road 25 feet distant from the southern boundary of the said parcel of Allotment No. 13, and proceeds along the said road 250ft.; the southerly boundary commences at the said point, and runs in an easterly direction parallel to the said southern boundary of the said parcel of Allotment No. 13, 150ft.; and the easterly and northerly sides are parallel to the westerly and southerly sides, 250ft. and 150ft. respectively.