

## New Zealand.



### ANALYSIS.

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|---|--|
| Title.  |  |
| Preamble.   |  |
| 1. Short Title.   |  |
| 2. Interpretation.  |  |
| 3. Lands to vest in Bishop subject to encumbrances, &c.                                   |  |
| 4. Bishop may sell certain lands and may invest the proceeds pending application thereof. |  |
|   | 5. Bishop may borrow.  |
|   | 6. Conditions of trust to apply to proceeds of sale of trust lands and to dwelling erected out of such proceeds. |
|   | 7. Private Act.<br>Schedule.   |

### 1935, No. 1.—*Private.*

AN ACT to enable the Roman Catholic Bishop of Dunedin to sell and dispose of certain Lands in the Diocese of Dunedin, and to apply the Net Proceeds thereof in or towards the Erection of a Dwelling and other Buildings on other Lands held by the said Bishop in the said Diocese for the Use and Benefit of the Roman Catholic Clergyman for the Time being of the Parish of Omakau, and to authorize the Raising of Money on the Security of the said other Lands and the Dwelling and other Buildings to be so erected.

[24th October, 1935.]

WHEREAS in the Roman Catholic Diocese of Dunedin certain lands described in the Schedule hereto granted and acquired for religious purposes in connection with

Title.

Preamble.

the Roman Catholic Church in New Zealand are now no longer suitable for such purposes: And whereas the said lands either are vested in the Roman Catholic Bishop of Dunedin for the time being as a corporation sole by virtue of the provisions of the Roman Catholic Lands Act, 1876, and the Roman Catholic Lands Act Extension Act, 1890, or have been granted to or acquired by trustees for the purpose or benefit of the Roman Catholic Church in New Zealand: And whereas the said Acts confer on the said Bishop power to lease for any term not exceeding forty-two years but no provision is made thereby enabling the said Bishop to sell any lands vested in him: And whereas it is desirable that the said Bishop should be empowered to sell the said lands and to apply the proceeds thereof in or towards the erection of a dwellinghouse and other buildings on other lands held by the said Bishop in the said diocese for the use of the Roman Catholic clergyman for the time being of the Parish of Omakau, or for such other purpose within the said parish as the said Bishop may from time to time determine: And whereas the powers requisite to enable the said Bishop to sell such lands or any of them and to apply the proceeds as aforesaid are attainable only 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. This Act may be cited as the Roman Catholic Bishop of Dunedin Empowering Act, 1935.

Interpretation.

2. In the interpretation of this Act the expression "the Bishop" shall mean and include the Roman Catholic Bishop of the Diocese of Dunedin for the time being.

Lands to vest in Bishop subject to encumbrances, &c.

3. The lands described in the Schedule hereto shall vest in and be held by the Bishop under the provisions of the Roman Catholic Lands Act, 1876, and the Roman Catholic Lands Act Extension Act, 1890, subject to any encumbrances thereon and any contracts heretofore made in respect thereof and to any trusts affecting the same.

Bishop may sell certain lands and may invest the proceeds pending application thereof.

4. Subject to the provisions of section six hereof, it shall be lawful for the Bishop to sell and dispose of the buildings on the said lands described in the Schedule hereto or any of them (if any) for removal, and to sell

and dispose of the said lands or any of them or any part thereof either with or without the said buildings or any of them, and in either case either by public auction or private contract and at such time or times and upon such terms and conditions in all respects as he may deem fit, and to convey, transfer, and assure the same to any purchaser or purchasers freed and discharged of and from any trusts, and to apply the net proceeds thereof after providing for the necessary costs and expenses thereof in or towards the erection of a dwellinghouse and other buildings on other lands held by the Bishop in the said diocese for the use and benefit of the Roman Catholic clergyman for the time being of the Parish of Omakau in the said diocese, or for such other purpose within the said parish as the Bishop shall from time to time determine, and, pending the application of such proceeds as aforesaid, to invest any moneys arising from the sale or disposition of such buildings and lands or any part thereof in any manner in which trustees may lawfully invest trust-moneys. The receipt in writing of the Bishop shall effectually discharge every purchaser or other person paying any moneys in respect of such sales therefrom and from being bound to see or inquire as to the application thereof or being responsible for any loss, misapplication, or non-application thereof.

5. For the purpose of raising any further money that may be required for the purpose of erecting such dwelling and other buildings as aforesaid or the completion thereof or incidental thereto, it shall be lawful for the Bishop from time to time to borrow and raise money by way of mortgage on the security of the land on which the said dwelling and other buildings are intended to be erected, and of the buildings erected or to be erected thereon, and of any lands contiguous thereto or used in conjunction therewith held by the Bishop in the said diocese, together with any buildings erected thereon; and every such mortgage shall contain such covenants, conditions, and powers as may by law be implied or (not being inconsistent with this Act) as may be agreed upon by and between the Bishop and the mortgagee or mortgagees as the case may be.

Bishop may borrow.

Conditions of trust to apply to proceeds of sale of trust lands and to dwelling erected out of such proceeds.

6. Where it is a condition in any deed or instrument creating a trust in respect of any of the said lands that the same shall enure only within the limits of any provincial district, county, or borough named therein, then and in every such case the money realized by the sale or disposition of such lands or any of them, or the lands acquired by the proceeds of such sale or disposition, shall be invested or held and shall continue subject to the like condition or trust in so far as the same shall not conflict with the provisions of the Roman Catholic Lands Act, 1876.

Private Act.

7. This Act shall be deemed to be a private Act.

Schedule.

#### SCHEDULE.

ALL that parcel of land in the Provincial District of Otago, in the Dominion of New Zealand, containing by admeasurement forty-nine (49) acres three (3) roods and thirty-seven (37) poles, more or less, situate in the Tiger Hill District aforesaid, being Section number fifteen (15), Block one (I), on the map of the said district: bounded towards the north by Section number fourteen (14), 3525 links; towards the east by Section numbered eight (8), 1418 links; towards the south by Section numbered sixteen (16), 3525 links; and towards the west by a road-line 1418 links: be all the aforesaid linkages more or less, and intersected by a water-race, and being the whole of the land comprised in a grant from the Crown recorded in the Land Transfer Office at Dunedin, in Volume 53, folio 75, dated the first day of September, eighteen hundred and eighty.