

New Zealand.

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1914, No. 3.—*Private.*

AN ACT to confer certain Powers upon the Roman Catholic Bishop of Auckland and his Successors in Office.

[5th November, 1914.]

WHEREAS by Crown grant dated the nineteenth day of August, eighteen hundred and fifty, and registered in the Deeds Register Office at Auckland under No. 84822, the land described in the First Schedule hereto was vested in the Roman Catholic Bishop of Auckland and his successors in trust for the use or towards the support and maintenance of a school established at Takapuna for the education of children of the British subjects of both races, and of the children of other poor and destitute persons being inhabitants of the islands of the Pacific Ocean, so long as religious education, industrial training, and instruction in the English language should be given to youth educated therein or maintained thereat: And whereas the school referred to in the said grant was at the date thereof and still is upon certain land at Takapuna adjacent to the land described in the First Schedule hereto: And whereas the site upon which the said school now stands is vested in the Roman Catholic Bishop of Auckland and his successors for the purposes of the Roman Catholic Church: And whereas the said school is old and not sufficiently suitable, and it is desirable that it should be rebuilt and erected upon the land described in the First Schedule hereto:

And whereas for the purpose of providing the money that will be required for the erection of the school upon the land described in the First Schedule hereto it may become necessary for the Roman Catholic Bishop of Auckland or his successors to raise a loan, and it is desirable to provide for the payment of the same in manner hereinafter appearing: And whereas it is not desirable that girls should be educated with boys at the said school, and it is proposed to erect a separate school for girls exclusively upon the land described in the Second Schedule hereto, where the facilities for their education and their domestic and industrial training and for their efficient supervision will be better than upon the land described in the First Schedule hereto: And whereas it is intended that the school proposed to be erected upon the land described in the First Schedule hereto shall be used as a school for boys exclusively: And whereas the land described in the Second Schedule hereto is now vested for an estate in fee-simple in the Roman Catholic Bishop of Auckland and certain other persons and their successors, and, in view of the proposal to erect thereon a school for girls exclusively, it is desirable to make the provisions hereinafter set forth regarding the same: And whereas the Roman Catholic Bishop of Auckland Empowering Act, 1906, directed that the sum of eight thousand pounds to arise from the sale of the land described in the Second and Third Schedules to that Act should be expended in the erection of substantial buildings in brick or other similar material upon the land comprised in the Fourth Schedule thereto, being the same land as that described in the First Schedule hereto: And whereas there were upon the land described in the Second and Third Schedules of the last-mentioned Act at the time it was passed, and at the time such land was sold, certain buildings of the value of two thousand seven hundred and twenty-four pounds, and such buildings were erected by the expenditure of moneys belonging exclusively to the Roman Catholic Church authorities of the Diocese of Auckland: And whereas it is desirable that the said sum of two thousand seven hundred and twenty-four pounds, less six hundred and forty-eight pounds, the value of the said buildings for removal, should be paid to the Roman Catholic Bishop of the said diocese out of the said sum of eight thousand pounds to be applied as hereinafter directed: And whereas it is desirable to provide that the sum of five thousand nine hundred and twenty-four pounds, being the residue of the said sum of eight thousand pounds after deducting the sum of two thousand and seventy-six pounds (being the said sum of two thousand seven hundred and twenty-four pounds less the said sum of six hundred and forty-eight pounds), shall be expended in the erection, so far as the same will extend, of a school to be used for girls exclusively upon the land mentioned in the Second Schedule hereto: And whereas it is desirable to provide that the rents, profits, and income arising from the land described in the First Schedule hereto should be devoted, in such shares and proportions as the Roman Catholic Bishop of Auckland and his successors for the time being shall deem just, in the maintenance and upkeep as well of

the school to be erected upon the land described in the Second Schedule hereto as of the school to be erected upon the land described in the First Schedule hereto: And whereas, in order to enable the said Bishop and his successors to lease the land mentioned in the First Schedule to the best advantage, it is desirable to confer upon him and them the powers hereinafter set forth:

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

1. This Act may be cited as the Roman Catholic Bishop of Auckland Empowering Act, 1914. Short Title.
2. In the interpretation of this Act the expression "the Bishop" shall mean and include the Roman Catholic Bishop of Auckland for the time being. Interpretation.
3. It shall be lawful to erect a school for boys exclusively upon the property described in the First Schedule hereto, and so long as the instruction mentioned in the said Crown grant shall be given to the boys educated therein or maintained thereat the trusts and conditions of the said Crown grant shall be deemed to be fulfilled. Power to erect school for boys.
4. Should it become necessary or expedient for the purpose of erecting the school mentioned in section three hereof to raise a loan or to renew either wholly or in part any loan hereafter to be raised, it shall be lawful for the Bishop to provide for the repayment of the same by mortgaging the land described in the First Schedule hereto and the rents and profits thereof, or the said land, or the rents and profits thereof apart from the said land. Any mortgage under this section may contain a power authorizing the sale of the mortgaged property upon default being made in payment of the principal or interest moneys thereby secured, and such other provisions as are usually inserted in mortgages in the City of Auckland. Land may be mortgaged as security for loan.
5. If the Bishop shall expend or cause to be expended a sum of not less than ten thousand pounds in the erection upon the land described in the Second Schedule hereto of a school for the education of girls exclusively of the British subjects of both races, and of girls exclusively of other poor and destitute persons being inhabitants of the islands of the Pacific Ocean, he may expend the said sum of five thousand nine hundred and twenty-four pounds as aforesaid, being the residue of the sum of eight thousand pounds referred to in the Roman Catholic Bishop of Auckland Empowering Act, 1906, in payment so far as the same will extend in the cost of erecting such school, and he may retain and apply for church purposes the difference between the said sum of five thousand nine hundred and twenty-four pounds and the said sum of eight thousand pounds. Power to erect school for girls.
6. At the said last-mentioned school religious education, industrial training, and instruction in the English language shall be given to the girls educated in or maintained thereat. Education for girls.
7. The net rents and profits arising from the land described in the First Schedule hereto shall be employed in such shares and proportions as the Bishop deems proper in the maintenance and for the support of the respective schools to be erected upon the lands described in the First and Second Schedules hereto respectively. Rents and profits to be employed in support of the respective schools.

Power to lease
lands.

8. It shall be lawful for the Bishop from time to time to lease the lands described in the First Schedule hereto or any part thereof for any term not exceeding ninety-nine years, upon such terms and conditions as he thinks fit, and either at a rental varying during the term or at a fixed rental.

No consideration to
be given or accepted
for any lease.

9. No fine, bonus, premium, or foregift shall be given or accepted as the consideration or any part of the consideration for any lease hereby authorized to be granted.

Every lease to take
effect within six
months from grant
of same.

10. Every lease hereby authorized to be granted shall take effect within a period of six months from the grant of the same or from the date of an agreement to grant the same.

Bishop may accept
surrender of any
lease.

11. It shall be lawful for the Bishop from time to time to accept a surrender of any lease of the said land or any part thereof (whether with respect to the whole or any part or parts of the land comprised in such lease) and whether such lease shall have been created prior or subsequent to the passing of this Act.

Bishop may grant
new lease or leases.

12. Upon the surrender of any lease (whether with respect to the whole or any part of the land comprised therein) it shall be lawful for the Bishop to grant to the lessee (meaning by the term lessee the person or body in whom the term created by such lease was vested immediately prior to such surrender) or his or its nominee or nominees a new lease or new leases of the whole or any part or parts of the land comprised in such surrender for the residue of the term created by the lease surrendered as aforesaid, at such fair and reasonable rent as the Bishop determines and with such provisions as are authorized by this Act and as the Bishop thinks fit. In each case where a lease is surrendered as to part only of the land therein comprised, then the rent reserved by or payable under such lease shall from time to time be reduced by the amount of rent reserved by the new lease or new leases, as the case may be, granted as aforesaid of the land comprised in the surrender or any part or parts thereof:

Provided always that the power conferred by this section shall be so exercised that the total amount of rent payable to the Bishop in respect of all the lands originally comprised in the lease so surrendered in part as aforesaid shall not be diminished below the amount originally payable under such last-mentioned lease.

Bishop may
construct roads.

13. It shall be lawful for the Bishop and he is hereby empowered to lay off, form, and construct such road, or from time to time such roads, upon or over the said lands described in the First Schedule hereto as he shall think fit, and to dedicate such roads to the public as public roads and highways.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL those pieces or parcels of land being Allotments 22, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 of the Parish of Takapuna, in the County of Waitemata.

SECOND SCHEDULE.

ALL that piece or parcel of land being part of Lot 11 of Allotment 5 of Section 13 of the Suburbs of Auckland: bounded—commencing at the junction of the southerly boundary of the said part of Lot 11 with Hillsborough Road; towards the west by the said road, 493·7 and 106·4 links; towards the north by other part of said Lot 11, 651·2 links; towards the east by other part of said Lot 11, 636·3 links; and towards the south by the southerly boundary of said Lot 11, 713·5 links, to the commencing-point: the said piece or parcel of land containing 4 acres and 31·1 perches, more or less.