

Roman Catholic Archbishop Empowering Act 1926

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An Act to enable the Roman Catholic Archbishop of Wellington to sell and dispose of certain Lands in the Archdiocese of Wellington, and to apply the Net Proceeds thereof in or towards the Purchase of other Lands in the Archdiocese, and in or towards the Erection of Church and School Buildings, and to authorize the Raising of Money on the Security of the Lands so acquired, or any of them.

Preamble.

WHEREAS in the Roman Catholic Archdiocese of Wellington certain lands described in the Schedule hereto, granted and acquired for the purposes of erecting church and school buildings thereon, are now no longer suitable for such purposes: And whereas the said lands are either vested in the Roman Catholic Archbishop of

Wellington for the time being as a corporation sole in virtue of the provisions of the Roman Catholic Lands Act, 1876, and the Roman Catholic Lands Extension Act, 1890, or have been granted to or acquired by trustees for the purposes or benefit of the Roman Catholic Church in New Zealand: And whereas the said Acts confer on the said Archbishop power to lease land for any term not exceeding forty-two years, but no provision is made thereby enabling the said Archbishop to sell any lands vested in him: And whereas it is desirable that the said Archbishop should be empowered to sell the said lands, and to apply the proceeds thereof in the purchase of other lands in the said Archdiocese and in the erection of church and school buildings: And whereas the powers requisite to enable the said Archbishop 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:—

1 Short Title.

This Act may be cited as the Roman Catholic Archbishop Empowering Act, 1926.

2 Interpretation.

In the interpretation of this Act the expression “the Archbishop” shall mean and include the Roman Catholic Archbishop or Bishop of the Archdiocese of Wellington for the time being.

3 Lands to vest in Archbishop subject to encumbrances, &c.

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

4 Archbishop may sell certain lands, and may invest the proceeds pending the application thereof.

Subject to the provisions of section six hereof, it shall be lawful for the Archbishop to sell and dispose of the said lands or any of them, or any part thereof, either by public auction or private contract, 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 proceeds thereof in the purchase of other lands and in the erection of church and school buildings in the said Archdiocese, and, pending the application of such proceeds as aforesaid, to invest any moneys arising from the sale or disposition of such lands, or any part thereof, in any manner in which trustees may lawfully invest trust-moneys.

5 Archbishop may borrow.

For the purpose of erecting such buildings as aforesaid it shall be lawful for the Archbishop from time to time to borrow and raise money by way of mortgage on the security of lands acquired by the proceeds of sale as aforesaid, or any of them, or on the security of any part or parts thereof, and of the buildings erected or to be 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 Archbishop and the mortgagee or mortgagees, as the case may be.

6 Conditions of trust to apply to proceeds of sale of trust lands and to lands purchased out of such proceeds.

Where it is a condition in any deed or instrument creating a trust in respect of any of the said lands the same shall enure only within the limits of any provincial district, county, or borough named therein, then and in every such case the moneys 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.

Schedule

1. All that allotment or parcel of land situated in the City of Wellington and Provincial District of Wellington, containing by admeasurement 22·9 perches, more or less, being part of Town Acre 488 on the map of the said City of Wellington: bounded towards the north by Wellington Terrace, 54·35 links; towards the east by Section 489, 230 links; towards the south by Lambton Quay, 66 links; towards the west by Section 488, 256 links: and being the whole of the land comprised in certificate of title, Volume 141, folio 178, dated the 2nd day of November, 1905.
2. All that allotment or parcel of land situated in the City of Wellington, containing by admeasurement 2 acres 3 roods 20 perches, more or less: bounded towards the north and north-east by Upland Road, 420 links and 135 links respectively; towards the east by Graveyard Road, 700 links; and towards the south-west and north-west by the Town Belt, 500 links and 420 links respectively: and being the whole of the land described in Crown Grant No. 69.
3. All that allotment or parcel of land situated in the Borough of Lower Hutt and Provincial District of Wellington, containing by admeasurement 1 acre, more or less, being part of Section 24: bounded towards the north by part of Section 28 and by land comprising part of the course or bed of the Hutt River, 286·13 links; towards the west by the Hutt River, 419·8 links; towards the south by part of Section 24 and by land comprising part of the course or bed of the Hutt River, 212·45 links; and towards the east by a stop-bank vested in the Hutt River Board, 473·42 links: being part of the land comprised in deed of conveyance dated the 23rd day of October, 1862, as the same is delineated on the margin of the said deed, and the whole of the land delineated as Lot 1 on deposited plan No. 7826, dated the 10th day of August, 1926.
4. All that allotment or parcel of land situated in the Borough of Lower Hutt and Provincial District of Wellington, containing by admeasurement 2 acres 2 roods 19 perches, more or less, being part of Sections 24 and 28 on the plan of the said borough: bounded towards the north by part of Section 28 and land comprising the course or bed of the Hutt River, 196·57 links; towards the north-east by other part of Section 28, 475·53 links; towards the south-east by the Hutt Road, 626 links; towards the south by part of Section 24, 286·13 links; and towards the south-west by a stop-bank vested in the Hutt River Board, 495·35 links: being part of the land delineated on the margin of Crown Grant No. 46959, dated the 3rd day of November, 1881, and the whole of the land delineated as Lot 2 on deposited plan No. 7826, dated the 10th day of August, 1926.
5. All that allotment or parcel of land situated in the Borough of Inglewood and Provincial District of Taranaki, containing by admeasurement 1 rood, more or less, being Section 128 on the map of the Town of Inglewood: bounded towards the north by Carrington Street, 200 links; towards the east by a railway reserve, 125 links; towards the south by Section 144, 200 links; and towards

- the west by Richmond Street, 125 links: and being the whole of the land comprised in certificate of title, Volume 68, folio 56, dated the 17th day of May, 1910.
6. All that allotment or parcel of land situated in the County of Takaka and Provincial District of Nelson, containing by admeasurement 2 acres, more or less, being part of Section 123 on the plan of the said county: bounded towards the north-east by a public road, 400 links; towards the south-east by the said Section 123, 500 links; towards the south-west by the said Section 123, 400 links; and towards the north-west by the said Section 123, 500 links: and being the whole of the land comprised in Crown Grant No. 2966, dated the 7th day of July, 1857.
 7. All that allotment or parcel of land situated in the City of Nelson and Provincial District of Nelson, containing by admeasurement 21·17 perches, more or less: bounded towards the north by Stanley Crescent; towards the east partly by land granted to Alexander Morrison and David Sclanders, partly by Section 87 on the plan of the said city, and partly (128 links) by land granted to the said Alexander Morrison and David Sclanders; towards the south partly by land granted to the said Alexander Morrison and David Sclanders (62 links), partly by a public road (65 links), and partly by land granted to the said Alexander Morrison and David Sclanders (66·15 links); towards the west partly by land granted to the said Alexander Morrison and David Sclanders (133·33 links), and partly by Section 89 on the plan of the said city, and again partly by land granted to the said Alexander Morrison and David Sclanders: being the whole of the land comprised in deed of conveyance registered in the District Registry Office at Nelson as No. 24746, and now comprised in certificate of title, Volume 52, folio 4, dated the 6th day of May, 1925.