

New Zealand.



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1910, No. 4.—*Local.*

AN ACT to provide for the Vesting in the Archbishop of the Roman Catholic Archdiocese of Wellington of certain Lands, being Part of the Town and Suburban Lands of and in the Boroughs of Napier and Wairoa, and to enable the said Archbishop to sell the said Lands, and to devote the Net Proceeds in or towards paying off Liabilities, the Removal and Re-erection of a Church, the Erection of a School and Teachers' Residence, and the General Purposes of the Roman Catholic Church in Napier and Wairoa respectively. Title.
[14th October, 1910.]

WHEREAS the land described in the First Schedule hereto was, by deed of conveyance dated the sixth day of December, eighteen hundred and fifty-nine, and registered as Number 807 in the Deeds Registry Office at Napier, conveyed by Thomas Henry Fitzgerald, of Napier aforesaid, Superintendent of the then Province of Hawke's Bay, to the Right Reverend Joseph Philippe Viard, of the Town and Province of Wellington, Roman Catholic Bishop for the time being of (*inter alia*) the Provincial District of Wellington, and to whom the said Provincial District of Wellington and other parts of the Dominion of New Zealand had theretofore been assigned as his diocese: And whereas the lands described in the Second Schedule hereto were, by deed of conveyance dated the twenty-sixth day of September, eighteen hundred and sixty-six, and registered as Number 2576, conveyed by one Philip Dolbel, of Puketapu, in the then Province of Hawke's Bay, farmer, to the said Philip Joseph Viard, the Reverend Jean Forest, of Napier, in the Provincial District of Hawke's Bay, Roman Catholic clergyman, and the Reverend Euloge Reignier, of Meeanee, Roman Catholic clergyman: Preamble.

And whereas the said Philip Joseph Viard is the same person as is hereinbefore named as Joseph Philippe Viard: And whereas the lands described in the Third Schedule hereto were, by deed of conveyance dated the seventeenth day of January, eighteen hundred and seventy, and registered as Number 5187, conveyed by the above-named Philip Dolbel to the said Jean Forest and Euloge Reignier: And whereas the land described in the Fourth Schedule hereto was, by deed of conveyance dated the third day of May, eighteen hundred and sixty-four, and registered as Number 43384, conveyed by one Bartholomew Lorrigan, of Meeanee Flatts, settler, to the said Joseph Philippe Viard: And whereas the land and roadway described in the Fifth Schedule hereto were, by deed of conveyance dated the seventeenth day of November, eighteen hundred and sixty-two, and registered as Number 1303, conveyed by William Maltby and William Routledge, both of Napier aforesaid, merchants, and the above-named Philip Dolbel, to the said Joseph Philippe Viard, the Roman Catholic Bishop for the time being of Wellington, reserving however to the said Philip Dolbel, his heirs and assigns, his and their tenants the occupiers for the time being of the said Suburban Section Number 77 or any part thereof, and his and their agents, servants, and workpeople, and all other persons going to or from the said Suburban Section Number 77 or any part thereof, full, free, absolute, and perpetual right of roadway and passage from, across, through, and over the roadway described in the said Fifth Schedule hereto: And whereas the land described in the Sixth Schedule hereto was, by deed of conveyance dated the first day of March, eighteen hundred and fifty-nine, and registered in the Deeds Registry Office at Napier as Number 806, conveyed by Thomas Henry Fitzgerald, John Watson Bain, Walter Grahame, and George Patrick Pierce, all therein named and described, to the said Joseph Philippe Viard, of Wellington, Catholic Bishop, his heirs and assigns, together with the building then being erected thereon and intended for a Roman Catholic church, to hold unto the said Joseph Philippe Viard, his heirs and assigns, for ever, freed from all encumbrances whatsoever: And whereas for about forty years the building then in course of erection was used as a school for the education of children of the Roman Catholic religion, and was some time ago destroyed by fire, and a new building was then erected thereon and is now used as a school for such children: And whereas it is in contemplation, at some future time, for the convenience of such children, to have the school erected on other lands of the said Church in Napier: And whereas, by deed of conveyance dated the thirtieth day of December, eighteen hundred and seventy-nine, and registered as Number 15407, the said Jean Forest and Euloge Reignier conveyed unto the Right Reverend Francis Redwood, Bishop of the Roman Catholic Diocese of Wellington, the lands described in the Second Schedule hereto, for the purpose of vesting the same in the said Francis Redwood and his successors, and in pursuance of the Roman Catholic Lands Act, 1876: And whereas by deed dated the thirty-first day of December, eighteen hundred and seventy-nine, and registered as Number 15408, the said Jean Forest and Euloge

Reignier conveyed to the above-named Francis Redwood, Bishop of the Roman Catholic Diocese of Wellington, the lands described in the Third Schedule, for the purpose of vesting the same in the said Francis Redwood and his successors, and in pursuance of the Roman Catholic Lands Act, 1876: And whereas the said Joseph Philippe Viard, Jean Forest, and Euloge Reignier all died many years ago: And whereas none of the hereinbefore-recited deeds of conveyance are expressed to be upon any trust other than the trust implied in the said deeds of conveyance Numbers 15407 and 15408 by the reference therein to the Roman Catholic Lands Act, 1876: And whereas in fact all the lands comprised in the several deeds of conveyance hereinbefore recited were acquired by the several purchasers or disponees therein named with moneys belonging to the Roman Catholic Church in cases where any moneys were paid for such acquisition, upon trust for the general purposes of the Roman Catholic Church in Napier, and for no other trust, intent, or purpose whatsoever: And whereas none of the said deeds contained provisions for the appointment of new trustees, or for the vesting of the said lands in any new trustees so appointed upon the death, resignation, incapacity, or removal of the trustees named in the said deeds respectively: And whereas no new trustee or trustees has or have been appointed in place of the said Joseph Philippe Viard, and all the said lands have been continuously used and are still used for the general purposes of the Roman Catholic Church in Napier, and it is desirable that all the said lands not already vested in the Archbishop for the time being of the Roman Catholic Archdiocese of Wellington should be so vested in the said Archbishop: And whereas about forty years ago a Roman Catholic church and presbytery and other buildings (including the said school) necessary and proper for the use of the said church were erected on the said lands mentioned in the First, Second, Third, Fifth, and Sixth Schedules hereto, and have been continuously used since then as a church, presbytery, school, and residence for the Brothers engaged in teaching: And whereas it has been found desirable and necessary in the interests of the said Church and of the people of the Roman Catholic religion in Napier to remove the said church to other freehold lands the property of the said Church, situated in that part of the Borough of Napier known as Port Ahuriri, which lands, being section numbered 528 on the plan of the Town of Napier, are vested in the said Francis Redwood as Archbishop of Wellington: And whereas the said church has been so removed and is in course of being re-erected: And whereas, in consequence of the acquisition by the said Church of such other lands situated at Port Ahuriri aforesaid, the lands described in the said Schedules hereto are no longer required as a site for a church or other building connected with the said church otherwise than temporarily as a site for the said school building and for a residence for the Brothers engaged in teaching therein: And whereas the said freehold lands at Port Ahuriri aforesaid have been purchased by the said Church from the funds of the said Church: And whereas considerable liabilities have been incurred by the said Church in the acquisition of the

said freehold lands at Port Ahuriri, and in connection with the rebuilding of the said school, and with the removal of the church from the lands described in the said Schedules hereto to, and its re-erection on, the freehold land of the said Church at Port Ahuriri aforesaid: And whereas it will be necessary forthwith to erect a new residence for the Brothers engaged in teaching on the section numbered 431 on the plan of the Town of Napier, being the land described in the Sixth Schedule hereto, at a considerable expense, and it is expedient that power should be given to the Archbishop of the said archdiocese to sell the several lands described in the First, Second, Third, Fourth, Fifth, and Sixth Schedules hereto, for the purpose of paying off the said liabilities and paying the cost of removing and re-erecting the said church, and of erecting a new residence for the said Brothers engaged in teaching, and of devoting the balance (if any) then remaining of the proceeds of such sale towards the general purposes of the Roman Catholic Church in Napier: And whereas the land described in the Seventh Schedule hereto was, by Crown grant dated the twenty-seventh day of September, eighteen hundred and sixty-six, and registered as Number 2659 in the office of the Registrar of Deeds at Napier, granted to Euloge Reignier, of Meeanee, Catholic pastor, his heirs and assigns: And whereas the land described in the Eighth Schedule hereto was, by Crown grant dated the twenty-second day of November, eighteen hundred and sixty-nine, and registered as Number 5290 in the office of the Registrar of Deeds at Napier, granted to the above-named Euloge Reignier, his heirs and assigns: And whereas by deed of conveyance dated the twenty-fifth day of April, eighteen hundred and seventy-eight, and registered as Number 15405 in the office of the Registrar of Deeds at Napier, the lands described in the Seventh and Eighth Schedules hereto were conveyed and assured by the above-named Euloge Reignier to the above-named Right Reverend Francis Redwood, of Wellington, then Bishop of the Roman Catholic Diocese of Wellington, for the purpose of vesting the same in the said Francis Redwood and his successors, and in pursuance of the Roman Catholic Lands Act, 1876, to hold the said parcels of land with the appurtenances unto the said Francis Redwood and his successors, Bishops of the Roman Catholic Diocese of Wellington: And whereas it has become necessary to erect a building or buildings for the purposes of a school on other freehold lands of the said Church in the said Borough of Wairoa, and it is expedient that power should be given to the said Archbishop to sell the said lands described in the Seventh and Eighth Schedules hereto, in order that the proceeds of such sale may be made available towards the erection of such school, and that the balance (if any) then remaining of the proceeds of such sale should be applied towards the general purposes of the Roman Catholic Church in Wairoa aforesaid: And whereas the objects of this Act 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. This Act may be cited as the Roman Catholic Archbishop of Wellington Empowering Act, 1910.

2. In the interpretation of this Act the expression "the Archbishop of the Roman Catholic Archdiocese of Wellington" shall mean and include the Roman Catholic Archbishop of the Archdiocese of Wellington for the time being, the Roman Catholic Bishop of the Diocese of Wellington for the time being, and the Administrator of the said archdiocese or diocese for the time being duly acting during any vacancy in the office of Archbishop or Bishop.

Interpretation.

3. The said lands described in the several Schedules to this Act shall henceforth vest in the Archbishop of the Roman Catholic Archdiocese of Wellington, his successors and assigns.

Lands to vest in the Archbishop.

4. For the purposes specified in that part of the preamble hereto relating to the Roman Catholic Church in Napier and the lands in Napier of the said Church, it shall be lawful for the Archbishop for the time being of the Roman Catholic Archdiocese of Wellington (hereinafter called the Archbishop) to sell and dispose of, freed and discharged of and from any trusts or conditions, all or any of the lands described in the First, Second, Third, Fourth, Fifth, and Sixth Schedules hereto, together with the buildings thereon, with power to the Archbishop to sell and dispose of the same by public auction or private contract, either together or in lots, and at such time or times, in such manner, at such price or prices, and on such terms as to payment as to the Archbishop may seem proper, and to do all things necessary or usual to give effect to any sale or sales made in pursuance hereof, including the laying-out and formation of such road or roads in conformity with the requirements of the Municipal Corporations Act, 1908, and its amendments, and the dedication thereof to the Mayor, Councillors, and Burgesses of the Borough of Napier, as may be found necessary or expedient to enable the said lands or any parts thereof to be effectively subdivided. Any such sale shall, however, be subject to the rights reserved to the said Philip Dolbel and others of a right of roadway and passage as defined and set out by the above-mentioned deed of conveyance dated the seventeenth day of November, one thousand eight hundred and sixty-two, and registered as Number 1303.

Power to Archbishop to sell Napier lands.

5. For the purposes specified in that part of the preamble hereto relating to the Roman Catholic Church in Wairoa and the said lands in Wairoa of the said Church, it shall be lawful for the Archbishop to sell and dispose of, freed and discharged of and from any trusts or conditions, all or any of the lands described in the Seventh and Eighth Schedules hereto, with power to the Archbishop to sell and dispose of the same by public auction or private contract, either together or in lots, and at such time or times, in such manner, and at such price or prices, and on such terms as to payment as to the Archbishop may seem proper, and to do all things necessary or usual to give effect to any sale or sales made in pursuance hereof, including the laying-out and formation of such road or roads in conformity with the requirements of the Municipal Corporations Act, 1908, and its amendments, and the dedication thereof to the Mayor, Councillors, and Burgesses of the Borough of Wairoa, as may be found necessary or expedient to enable the said lands or any parts thereof to be effectively subdivided.

Power to Archbishop to sell Wairoa lands.

Application of
proceeds of sale.

6. The proceeds of the respective sales to be made in pursuance of this Act, after providing for the necessary costs and expenses thereof, shall be applied to the several purposes mentioned in the preamble hereof; and the receipt in writing of the Archbishop 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.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land, situate in Napier aforesaid, forming part of Suburban Section No. 76 on the Government plan of the Town of Napier, containing by estimation $3\frac{3}{4}$ acres or thereabouts, and comprising subdivisions marked M and L on a plan of the said Section No. 76 intended to be deposited at the Office for Registration of Deeds at Napier; and which said piece of land is bounded towards the north-west, measuring 560 links, by Suburban Section No. 73; towards the south-west, south, and west and south respectively by Subdivisions A, B, C, D, E, F, G, H, I, J, and K, the dividing or side line between K and L and Shakespeare Road; and towards the east and north-east by Town Section No. 431 and Suburban Section No. 77 respectively: excepting, however, therefrom all that piece or parcel of land being portion of suburban section numbered 76 on the official map of the Township of Napier, and being also part of the said Subdivision L on the said deposited map—bounded towards the north-east by other part of said Subdivision L on the said deposited map, measuring 8 ft. 6 in. or thereabouts; towards the east by other part of the said Subdivision L, measuring 110 ft. or thereabouts; towards the south by Shakespeare Road, measuring 8 ft. 6 in.; and towards the west by Subdivision K, measuring 112 ft.—as the said excepted piece or parcel of land is described and delineated in deed of conveyance dated the 3rd day of May, 1864, and made between the said Joseph Philippe Viard of the one part and one Samuel Lozell of the other part, registered number 2198.

SECOND SCHEDULE.

ALL that parcel of land in the Provincial District of Hawke's Bay, containing by admeasurement 1 acre 1 rood 7 perches, more or less, being Subdivisions Nos. 4, 5, 6, 7, and 8 of Suburban Section 77 on the Government plan of Napier: bounded towards the north-west by Suburban Section No. 73, 40 links, and by Section No. 74, 155 links; towards the north-east by Lot No. 3 of said subdivision, 210 links; towards the east by Cobden Road, 48 links, 40 links, 50 links, 143 links, and 100 links; towards the south by lot numbered 18 of said Suburban Section No. 77, 190 links; and towards the south-west by Suburban Section No. 76, 484 links: together with a right of way or road in, through, and over the roads marked Chapel Street and Cobden Road on the said plan to the owners and occupiers for the time being of the said parcel of land to pass and repass on foot or on horse, or with carts, carriages, horses, cattle, or otherwise howsoever, at all hours and times.

THIRD SCHEDULE.

ALL that parcel of land, situate at Napier aforesaid, being part of Suburban Section No. 77 on the Government map of the Town of Napier, and being subdivisions numbered 18, 20, and 21 on a map of subdivisions thereof made by the said Philip Dolbel: bounded towards the north-west by Subdivision 8 on the said plan, 190 links; towards the north-east by a road laid out over the said section, 417 links; towards the south-east by a road laid out over the said section; and towards the south-west by Suburban Section 76, 430 links: be the said several admeasurements a little more or less respectively: together with a right of way over a certain road, 40 links wide, laid out over the said section, for the said Jean Forest and Euloge

Reignier, their heirs and assigns, and their servants, workmen, and others, to pass and re-pass on horse or on foot, or with carts, carriages, and other vehicles, at all hours and times.

FOURTH SCHEDULE.

ALL that triangular piece of land, situate at Napier, in the Provincial District of Hawke's Bay and Dominion of New Zealand, being portion of Suburban Section No. 76 on the official plan of the Township of Napier, and being also portion of Subdivision K on a map of the said suburban section numbered 76 deposited in the office of the Registrar of Deeds at Napier aforesaid: bounded towards the north-east by part of the aforesaid section numbered 76, 33 ft.; towards the east by part of the aforesaid section numbered 76, being Subdivision L, 21 ft. or thereabouts; towards the south by part of Subdivision K, 36 ft. or thereabouts; and towards the west by part of Subdivision K, 18 ft. or thereabouts.

FIFTH SCHEDULE.

FIRSTLY, all that parcel of land, situate in Napier aforesaid, containing 34 perches, a little more or less, and being portion of Suburban Section No. 77 on the Government plan of the Township of Napier, and shown on the map of Napier as No. 21A: bounded towards the west and north by a road, towards the east by a road, and towards the south by Town Section No. 431, 205 links. And, secondly, all that other parcel of land, being portion of the said suburban section numbered 77, comprising a road of a uniform width of 12 ft., and extending in a circular form from the western extremity of the land conveyed to the eastern extremity of the said land to a point marked B; reserving nevertheless to and for the said Philip Dolbel, his heirs and assigns, and his and their tenants and the occupiers for the time being of the said Suburban Section No. 77 or any part thereof, and his and their agents, servants, and workpeople, and all other persons going to or from the said Suburban Section No. 77 or any part thereof, full, free, absolute, and perpetual right of roadway and passage from, across, through, and over the said parcel of land secondly described, and together with a right of way or passage for him, the said Joseph Philippe Viard, his heirs and assigns, and the occupiers for the time being of the said parcel of land, and all and every other person and persons having lawful occasion or business, at all times for ever, by night and day, and for all purposes, to go, return, pass, and re-pass, with or without horses and carriages, laden or unladen, in, through, and along a certain road leading along the southern boundary of the land firstly above described, which road or way is of the width of 12 ft. or thereabouts.

SIXTH SCHEDULE.

ALL that piece of land, comprising 2 roods, be the same more or less, situated within the Town of Napier, and being section numbered 431 on the plan of the said town: bounded on the north by Suburban Section No. 77, 250 links; on the south by Shakespeare Road, 250 links; on the west by Suburban Section No. 76, 200 links; on the east by a public road, 200 links: together with the building being erected on the said piece of land for a Roman Catholic church, with all the appurtenances thereunto belonging.

SEVENTH SCHEDULE.

ALL that parcel of land in the Provincial District of Hawke's Bay, in the Dominion of New Zealand, containing by admeasurement 1 rood, more or less, being the town section numbered 127 on the plan of the Township of Clyde: bounded towards the north-east by Section No. 126, 150 links; towards the south-east by Clyde Road, 150 links; towards the south-west by Section 128, 220 links; and towards the north-west by Section 125, 159 links.

EIGHTH SCHEDULE.

ALL that parcel of land in the Provincial District of Hawke's Bay, in the Dominion of New Zealand, containing by admeasurement 4 acres, more or less, being the suburban sections numbered 2 and 3, Class No. 1, on the plan of the Township of Clyde: bounded towards the north-east by Kabul Street, 800 links; towards the south-east by Section No. 1, 500 links; towards the south-west by Sections 12 and 13, 800 links; and towards the north-west by Clyde Road, 500 links.