

NEW ZEALAND.



VICTORIÆ REGINÆ.

ANNO VICESIMO QUARTO

No.

ANALYSIS :

- Title.
- Preamble.
- 1. Short Title.
- 2. Public Act.

- 3. Power to sell or exchange.
- 4. Lands purchased or exchanged to be vested in Trustees to the use of the Mission.
- 5. Appointment of new Trustees.

A Bill to authorise the Sale or Exchange ^{Titl.}
of certain Religious Trust Lands
vested in the Roman Catholic Bishop
situate in the City of Nelson, and to
provide for the vesting of the Pro-
ceeds in Trustees upon similar Trusts.

WHEREAS ^{Preamble,} by a Deed bearing date on or about the thirtieth day of December in the year one thousand eight hundred and fifty seven and made between the Right Honorable William Bernard Lord Petre of Thorndon Hall in the County of Essex in England of the one part and the Right Reverend Philip Joseph Viard in the Colony of New Zealand Bishop of Orthosia and Apostolic Administrator of the Roman Catholic Diocese of Wellington in the said Colony of the other part the said William Bernard Lord Petre for the consideration therein mentioned did Convey and Assure unto the said Philip Joseph Viard and his ~~Successors~~ ^{heirs and Assigns} in the Diocese aforesaid All that allotment or parcel of land containing one acre more or less situate in the Town (now City) of Nelson in the said Colony and which is numbered as 426 on the plan of the said Town together with all the appurtenances thereunto belonging to hold the same unto the said Philip Joseph Viard and his ~~Successors~~ ^{heirs and Assigns} for ever in Trust as and

heirs & Assigns

heirs and Assigns

Nelson Roman Catholic Endowments Sale.

for an Endowment for the maintenance and support of the Roman Catholic Mission and Religion in the Town of Nelson aforesaid and to for or upon no other Use Trust intent or purpose whatsoever;

it is desirable that should be empowered to sell or exchange to exchange

AND WHEREAS the said acre of land is inconveniently situated for the objects of the said Roman Catholic Mission in the said City of Nelson and therefore the said Philip Joseph Viard is desirous of selling or exchanging the said acre and investing the proceeds of sale in the purchase of other land in the said City of Nelson or of exchanging the same for other land lying nearer to the present Roman Catholic Church in the said City of Nelson: *and to have the same conveyed to trustees as hereinafter mentioned*

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the consent and advice of the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

Short Title.

I. The Short Title of this Act shall be "The Nelson Roman Catholic Endowments Sale Act 1860."

Public Act.

II. This Act shall be deemed to be a Public Act and shall be judicially noticed as such.

Power to sell or exchange.

heirs or assigns

III. It shall be lawful for the said Philip Joseph Viard his ~~Successors or other the Trustee or Trustees~~ for the time being of the said allotment or parcel of land comprised in the hereinbefore recited deed at any time or times after the passing of this Act absolutely to sell and dispose of or to exchange the said Trust premises in such manner as ~~the Trustee or Trustees for the time being~~ shall think fit and to convey the fee simple and inheritance of the same Trust premises when sold or exchanged to the person or persons who shall agree to become the purchaser or purchasers thereof or who may agree to exchange other lands in the said City of Nelson for the said allotment or parcel of land and no purchaser or other person paying money to the said ~~Trustee or Trustees for the time being~~ shall be afterwards answerable or accountable for such money or be bound to see to the application thereof. *Philip Joseph Viard his heirs or assigns*

he or they

Lands purchased or exchanged to be vested in Trustees to the use of the Mission.

IV. The lands to be purchased by the monies arising from the sale of the said Trust premises or the land to be taken in exchange therefore shall be vested in the said Philip Joseph Viard Henry Redwood the elder and Henry Redwood the younger both of the district of Waimea West in the said Province of Nelson Farmers William O'Dwyer of Waimea East in the said Province of Nelson Farmer John William Gay Beauchamp of the said City of Nelson Surveyor and John Armstrong of the same City Innkeeper and the survivors and survivor of them and the heirs and assigns of such survivor and shall be held by them in Trust for an endowment for the maintenance and support of the Roman Catholic Mission and Religion in the City of Nelson aforesaid and to for and upon no other Use Trust intent or purpose whatsoever.

Nelson Roman Catholic Endowments Sale.

V. Provided that in the event of any or either of the Trustees ^{Appointment of new Trustees.} ~~for the time being~~ or any future Trustee or Trustees to be appointed as hereinafter mentioned becoming incapacitated from acting by death illness or otherwise or shall decline or refuse to act or be absent from the Colony for the space of twelve calendar months then it shall be lawful for the continuing Trustees or Trustee or the majority of them or the executors and administrators of the last acting Trustee to appoint by Deed any person or persons to be Trustees or Trustee in the place of the Trustees or Trustee so becoming incapacitated ^{or refusing} declining to act or being absent and upon every such appointment the Trust property shall vest without any conveyance in the continuing Trustees or Trustee jointly with such new Trustees or Trustee their heirs and assigns or if there be no continuing Trustees or Trustee then in the new Trustees their heirs and assigns upon the same Trusts and with the same powers as the original Trustees or Trustee.

hereby appointed
or refusing
provided that every such appointment shall be made subject to the prior approval of the Roman Catholic Bishop for the time being within whose diocese the City of Nelson may lie.