

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
20th August, 1924.

Hon. Mr. Hawke.

ROMAN CATHOLIC BISHOP OF DUNEDIN EMPOWERING.

[PRIVATE BILL.]

ANALYSIS.

Title.	4. Bishop may sell certain lands, and may invest the proceeds pending application thereof.
Preamble.	
1. Short Title.	5. Bishop may borrow.
2. Interpretation.	6. Conditions of trust to apply to proceeds of sale of trust lands and to lands purchased out of such proceeds.
3. Lands to vest in Bishop subject to encumbrances, &c.	
	Schedule.

A BILL INTITULED

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 Purchase of other Lands in the said Diocese, 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.

Title.

WHEREAS in the Roman Catholic Diocese of Dunedin certain lands described in the Schedule hereto, granted and acquired for religious purposes in connection with 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 purchase of other lands in the said Diocese and in the erection of church and school buildings and teachers' dwellings: 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:

Preamble.

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 Dunedin Empowering Act, 1924.

Short Title.

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. 5

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 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 purchase of other lands and in the erection of church and school buildings and teachers' dwellings in the said diocese; 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. 10 15 20 25

Bishop may borrow.

5. For the purpose of erecting such buildings as aforesaid it shall be lawful for the Bishop from time to time to borrow and raise money by way of mortgage on the security of lands acquired by or partly paid for by the proceeds of such sales 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 Bishop and the mortgagee or mortgagees, as the case may be. 30 35

Conditions of trust to apply to proceeds of sale of trust lands and to lands purchased 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 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. 40 45

SCHEDULE.

Schedule.

1. ALL that allotment or parcel of land situated in the Town of Invercargill and Provincial District of Otago, containing by admeasurement 1 acre, more or less, being Sections 7, 8, 15, and 16, Block XVIII, on the Crown-grant record map of the said Town of Invercargill. Bounded towards the north by Section 6, 250 links, and Section 17, 250 links; towards the east by Clyde Street, 200 links; towards the south by Section 14, 250 links, and Section 9, 250 links; and towards the west by Liddel Street, 200 links; and being the whole of the land comprised in Crown grant registered as No. 6313 in the Deeds Registry Office at Invercargill, and dated the 18th day of December, 1869.

2. All that allotment or parcel of land situated in the Town of East Gore and Provincial District of Otago, containing by admeasurement 35 perches, more or less, being Section 6, Block 17, on the map of the said Town of East Gore. Bounded towards the north by Section 5, 17.1 links; towards the north-east by Church Street, 107.2 links; towards the east by Section 7, 181.8 links; towards the south by Hotton Street, 100 links; and towards the west by Section 8, 250 links; and being the whole of the land comprised in a grant from the Crown recorded in the Land Transfer Office at Invercargill in Vol. 17, folio 90, dated the 10th day of January, 1880.

3. All that allotment or parcel of land situated in the Town of East Gore and Provincial District of Otago, containing by admeasurement 32 perches, more or less, being Section 7, Block 17, on the map of the said Town of East Gore. Bounded towards the north-east by Church Street, 286.4 links; towards the south by Hotton Street, 221.1 links; and towards the west by Section 6, 181.8 links; and being the whole of the land comprised in a grant from the Crown recorded in the Land Transfer Office at Invercargill in Vol. 17, folio 91, dated the 10th day of January, 1880.

4. All that allotment or parcel of land in the Town of Riverton and Provincial District of Otago, containing by admeasurement 1 acre, more or less, being Sections 9, 10, 11, and 12, Block 18, on the Crown-grant record map of the said town. Bounded towards the north-east by Downing Street, 200 links; towards the south-east by Pitt Street, 500 links; towards the south-west by Landsdowne Place, 200 links; and towards the north-west by Section 8 of aforesaid block, 250 links, and Section 13 of aforesaid block, 250 links; and being the whole of the land comprised in a grant from the Crown No. 2435 and registered under No. 6314 in the Deeds Registry Office at Invercargill, and dated the 18th day of December, 1869.