

## NEW ZEALAND.



TRICESIMO OCTAVO

## VICTORIÆ REGINÆ.

No. LVII.

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## ANALYSIS.

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AN ACT to authorize the Vesting in Trustees of certain Lands in the Province of Otago in Trust as an Endowment for the Oamaru Hospital. Title.

[22nd August, 1874.]

**W**HEREAS by a resolution of the Provincial Council of the Province of Otago, purporting to be passed under the authority of section sixty-two of "The Otago Waste Lands Act, 1866," the said Council recommended that the lands described in the Schedule hereto should be reserved as an endowment for the Oamaru Hospital: And whereas, in pursuance of such resolution, the Superintendent of the Province of Otago did, by notice under his hand dated the fourteenth day of November, one thousand eight hundred and seventy-two, and published in the Otago Provincial Government *Gazette* on the twentieth day of November, one thousand eight hundred and seventy-two, declare that he had made and dedicated the said lands described in the said Schedule hereto as an endowment for the said Oamaru Hospital: And whereas doubts have been and are entertained as to the powers of the Superintendent and Provincial Council of the Province of Otago to reserve the said lands as an endowment for the said Hospital: And whereas it is expedient that the said lands should be vested in Trustees upon trust as an endowment for the said Hospital: Preamble.

*Oamaru Hospital Reserves.*

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. The Short Title of this Act shall be "The Oamaru Hospital Reserves Act, 1874."

Governor may grant lands in Schedule.

2. It shall be lawful for the Governor to cause grants from the Crown of the lands described in the Schedule hereto to be issued to James Macandrew, of Dunedin, Esquire, Henry John Miller, of Oamaru, Esquire, and William Jukes Steward, of Oamaru, Esquire, as joint tenants in fee-simple.

Lands to be held in trust.

3. The said James Macandrew, Henry John Miller, and William Jukes Steward, and all succeeding Trustees to be appointed in manner hereinafter provided, (all of whom are hereinafter referred to as "the Trustees,") shall hold the said lands upon trust as an endowment for the Oamaru Hospital.

Power to lease.

4. It shall be lawful for the Trustees to lease all or any part or parts of the said lands to any person or persons for any term of years absolute not exceeding twenty-one years, to take effect in possession and not in reversion, at such rent and on such conditions as to the Trustees or a majority of them may appear advisable, and a lease signed by any two of them shall be as valid as if all the Trustees had signed the same.

Trustees to receive rents, &c.

5. The Trustees shall receive and take the annual rents issues and profits and all other sums becoming payable in respect of the said lands, and after payment thereof of all expenses incurred by them in connection with the said lands or otherwise in carrying out the trusts and provisions of this Act, shall pay the residue to the Committee of Management for the time being of the Oamaru Hospital, or other the persons or person for the time being having the management of the said Hospital, to be applied and disposed of by the said Committee of Management or other persons or person aforesaid in or towards the maintenance and repair of the building already erected in the Town of Oamaru and now used as a hospital, or any other building which may at any time hereafter be erected or used at Oamaru for the purpose of a hospital, and in providing nursing medicine food and attendance for patients receiving aid thereat or therefrom, and generally in increasing the efficiency or convenience of the Oamaru Hospital.

How same to be applied.

Trustees not bound to see to application of moneys.

6. The receipt of the Treasurer for the time being of the Oamaru Hospital, or any person acting as such, shall be a good and sufficient discharge to the Trustees for any sum or sums of money therein acknowledged to have been received; and the Trustees shall not be answerable or accountable for any loss misapplication or non-application, or be in anywise concerned to see to the application of, any such sum or sums of money.

Power to appoint new Trustees.

7. If the Trustees hereby appointed, or any or either of them, or any future Trustees or Trustee to be appointed in the place or stead of any or either of them as hereinafter mentioned, shall die or desire to be discharged of or from the said trusts, or shall go to reside out of the Province of Otago, or shall refuse or become incapable to act in the execution of the said trusts, then, and in every such case, and when and so often as the same shall happen, such Trustee or Trustees as aforesaid shall cease to be a Trustee or Trustees under this Act; and when and so often as a vacancy or vacancies in the office of Trustee shall so occur, the Superintendent of the Province of Otago for the time being shall thereupon, or as soon thereafter as conveniently may be, by a Proclamation in the Otago Provincial Government *Gazette*, appoint a fit and proper person or fit and proper persons to be a Trustee or Trustees in the place or places of the

*Oamaru Hospital Reserves.*

Trustee or Trustees so ceasing to be a Trustee or Trustees as aforesaid; and when and so often as any new Trustee or new Trustees shall be appointed as aforesaid, the said lands shall by virtue of such appointment vest in the surviving or continuing Trustees or Trustee and in such new Trustee or Trustees jointly, or in such new Trustees only jointly, as the case may require, and that without any transfer conveyance or other assurance whatsoever; and every such new Trustee shall and may, on being appointed as aforesaid, act in all things, and assist in the management carrying on and executing the said trusts powers and authorities as fully and effectually as if such new Trustee had been originally appointed by this Act, and as the Trustee in or to whose place he shall be appointed might or could have done by virtue of this Act.

8. Each Trustee shall be chargeable only with such moneys as he shall actually receive by virtue of this Act, notwithstanding his giving or signing any receipts for the sake of conformity, and none of them shall be answerable or accountable for the other or others of them, or for the acts receipts neglects or defaults of the other or others of them, but each and every of them only for his own acts receipts neglects and defaults respectively; and none of them shall be answerable for any banker broker agent or other person with whom or into whose hands or custody any part of the rents issues profits or moneys of the said lands shall or may come or be deposited or placed, nor for any loss misfortune or damage which may happen in the execution of any of the aforesaid trusts or in relation thereto, unless the same shall happen by or through his or their own wilful default respectively.

Liability of Trustees.

## SCHEDULE.

Schedule.

ALL that area in the Province of Otago, containing by estimation two thousand (2000) acres, more or less, situate in the Kauroo District, being part of block numbered ten (X.) on the map of the said district, bounded towards the North by the northern boundary of Kakanui Hundred, seventeen thousand six hundred (17600) links; towards the East by section numbered six (VI.), nine thousand two hundred and forty-eight (9248) links; towards the South-east by the Kakanui Hundred, seven thousand (7000) links; towards the South by Crown lands, eleven thousand five hundred (11500) links; and towards the West by the western boundary of Kakanui Hundred, twelve thousand four hundred (12400) links. Also all that area in the Province of Otago, containing by estimation two thousand (2000) acres, more or less, situate in the Maruwhenua District, being part of block numbered six (VI.) on the map of the said district; bounded towards the North by block numbered five (V.), five hundred (500) links and nine thousand seven hundred and twenty (9720) links; also by section numbered fourteen (14), block six (VI.), two thousand five hundred (2500) links: towards the East by Crown lands, six thousand two hundred and fifty-six (6256) links; by section numbered twenty-two (22), eight hundred and forty-seven (847) links; by section numbered twenty-three (23), block six (VI.), eleven thousand (11000) links; and by section numbered seventeen (17), block six (VI.), two thousand seven hundred and fifty (2750) links; also by the said section numbered fourteen (14), three thousand three hundred (3300) links: towards the South by the said section numbered twenty-two (22), one thousand four hundred (1400) links; by the said section numbered twenty-three (23), two thousand and forty (2040) links; by sections numbered respectively seventeen (17) and eighteen (18), block six (VI.), six thousand eight hundred and ninety-five (6895) links; also by section numbered sixteen (16), block six (VI.), two thousand three hundred and eighty-seven (2387) links: and towards the West by blocks numbered respectively ten (X.) and eleven (XI.), twenty thousand eight hundred and fifty-three (20853) links; also by the said section numbered fourteen (14), three thousand three hundred (3300) links.

WELLINGTON, NEW ZEALAND:

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