

Cromwell Athenaeum Reserves Act 1877

Local Act 1877 No 33
Date of assent 20 November 1877

Contents

	Page
Title	1
Preamble	1
1 Short Title	2
2 Lands vested	2
3 Lands managed	2
4 May sue for rent in arrear	3
5 May mortgage	3
6 On non-payment of mortgage, Receiver to be appointed by High Court	3
7 Rents and profits to be applied in Athenaeum	4
Schedule 1	4
Schedule 2	4
Schedule 3	5
Schedule 4	5

**An Act to vest certain Reserves set aside for the Cromwell
Athenaeum in the Cromwell Athenaeum.**

Preamble

WHEREAS by a grant from the Crown, dated the twentieth day of October, one thousand eight hundred and seventy-four, the lands described in Schedule 1 to this Act were vested in James Macandrew, Esquire, the then Superintendent of the Province of Otago, as such Superintendent, in trust for a site for an Athenaeum at Cromwell: And whereas by a grant from the Crown, dated the

fifth day of September, one thousand eight hundred and seventy-six, the lands described in Schedule 2 to this Act were vested in the said James Macandrew, as and being such Superintendent, on the same trust: And whereas by a grant from the Crown, dated the eleventh day of July, one thousand eight hundred and seventy-six, the lands described in Schedule 3 to this Act were vested in the said James Macandrew, as and being such Superintendent, in trust as an endowment for the Cromwell Public Library: And whereas by a grant from the Crown, dated the eleventh day of July, one thousand eight hundred and seventy-six, the lands described in Schedule 4 to this Act were vested in the said James Macandrew, as and being such Superintendent, in trust as an endowment for the Cromwell Public Library: And whereas by an Ordinance of the Superintendent and Provincial Council of Otago, No 404, intituled The Cromwell Athenaeum Ordinance, 1873, the Athenaeum Public Library at Cromwell, in the Provincial District of Otago, was duly incorporated: And whereas it is desirable that the lands described in the various Schedules to this Act should be vested in the Cromwell Athenaeum incorporated by the said Ordinance:

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

The Short Title of this Act shall be The Cromwell Athenaeum Reserves Act 1877.

2 Lands vested

The land described in the various Schedules to this Act shall be and the same are hereby absolutely vested in and transferred to the Cromwell Athenaeum incorporated by The Cromwell Athenaeum Ordinance, 1873, *[Repealed]* hereinbefore recited.

3 Lands managed

The Cromwell Athenaeum incorporated as aforesaid, and hereafter called **the said Athenaeum**, shall hold and manage

the said lands for the benefit of the said Cromwell Athenaeum, and may lease the said lands, or any part thereof, for such term or terms of years not exceeding twenty-one years, and on such conditions, as to the said Athenaeum shall seem meet.

4 May sue for rent in arrear

All rents in arrear and all sums owing for occupation of the said lands, from the dates on which the said lands were granted, shall be payable to and be recoverable by the said Athenaeum.

5 May mortgage

The said Athenaeum may, with the consent of a majority of the members of the said Athenaeum present at a special meeting of the members of the said Athenaeum called by advertisement for that purpose, mortgage the rents, issues, and profits of the said lands for any sum of money not exceeding in the whole two thousand dollars, at a rate of interest not exceeding ten per centum per annum, and may for such a purpose execute all such deeds and transfers as may be necessary for that purpose; but no power to sell the said lands shall be granted by any such deed or transfer.

The expression “two thousand dollars” was substituted, as from 10 July 1967, for the expression “one thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

6 On non-payment of mortgage, Receiver to be appointed by High Court

No such mortgage shall imply any personal liability on the part of the Trustees or any Trustee as such mortgagor, nor shall any mortgagee have any power of sale by virtue of his mortgage, but shall only be entitled, as his sole remedy on non-payment of principal or interest, to have a Receiver appointed by the High Court of New Zealand, who shall thereupon enter into possession and manage such mortgaged estate, and pay over to the mortgagee such income as he may be able to derive therefrom, until repayment of the principal amount and interest.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

7 Rents and profits to be applied in Athenaeum

All the rents, issues, and profits arising from the said lands, and all moneys borrowed on the security of the said rents, issues, and profits, shall be applied in and towards the maintenance of the said Athenaeum, and the payment of any debts incurred by the said Athenaeum, and the erection of suitable buildings for the said Athenaeum.

Schedule 1

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Town of Cromwell, being parts of Sections numbered respectively four (4) and thirty-eight (38), and Sections three (3) and thirty-seven (37), Block three (III), on the map of the said town, containing by admeasurement one (1) rood and twenty (20) poles, more or less. Bounded towards the North-west by other part of the said Section numbered 4 one hundred (100) links, by the other part of the said Section numbered 38 one hundred (100) links, also by Sections numbered respectively 7 and 34 one hundred (100) links; towards the North-east by Section numbered 36 two hundred (200) links; towards the South-east by Sligo Street two hundred (200) links, also by Section numbered 2 one hundred (100) links; and towards the South-west by Sections numbered respectively 1 and 2 sixty-six and six-tenths (66.6) links, by Melmore Terrace forty-five and four-tenths (45.4) links, by the other part of the said Section numbered 4 twenty-one and two-tenths (21.2) links, also by the other part of the said Section numbered 38 sixty-six and six-tenths (66.6) links.

Schedule 2

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Town of Cromwell, being part of Section numbered four (4), Block three (III), on the map of the said town, containing by admeasurement one (1) pole, more or less. Bounded towards the North-west by other part of the said Section numbered 4, one hundred (100) links; towards the North-east by Section numbered 38, six and nine-tenths (6.9) links; towards the

South-east by other part of said Section numbered 4, one hundred (100) links; and towards the South-west by Melmore Terrace, six and nine-tenths (6.9) links.

Schedule 3

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Cromwell District, being Section numbered sixteen (16), Block three (III), on the map of the said district, containing by admeasurement one hundred and eighty-four (184) acres three (3) roods and five (5) poles, more or less. Bounded towards the West-north-west by a road line, seven thousand five hundred and fifty-four (7554) links; towards the East by Wakefield District, thirteen thousand four hundred and eighty-seven (13487) links; towards the South-west by Crown lands, five thousand five hundred (5500) links; and towards the West by a road line, one thousand two hundred and eighty-one (1281) links, and intersected by a road line and a tail-race each one hundred (100) links wide.

Schedule 4

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Wakefield District, being Section numbered eleven (11), Block five (V), on the map of the said district, containing by admeasurement eighty-five (85) acres one (1) rood and twenty-one (21) poles, more or less. Bounded towards the North-west by a road line, two thousand nine hundred and thirty-three (2933) links; towards the North-east by a road line, five hundred and fifty-eight (558) links; towards the East by Crown lands, sixteen thousand six hundred and eighty-two (16682) links; towards the South-west by Crown lands, one hundred and sixty-five (165) links; and towards the West by the Cromwell District, thirteen thousand four hundred and eighty-seven (13487) links, and intersected by two (2) road lines and a tail-race each one hundred (100) links wide.