

Dempsey Trust Ordinance 1873 (O)

Provincial Act 401
Date of assent 30 July 1873

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**In the 37th year of the reign of Her Majesty Queen Victoria
An Ordinance to appoint trustees for the management of the
Dempsey Trust**

Preamble

WHEREAS William James Dempsey of Dunedin, gentleman, by his last will and testament and a codicil thereto bequeathed certain money to the Trustees of the Dunedin Hospital and the Trustees of the Otago Reformatory as in the said will and codicil mentioned: AND WHEREAS His Honour Henry Samuel Chapman Esquire Judge of the High Court of New Zealand Otago and Southland District by an order under his hand made in pursuance of the Trustees Relief Act 1862 on and bearing date the 13th day of August 1872 certified that the Otago Industrial School was the institution entitled to receive the bequest to the Otago Reformatory: AND WHEREAS there are no trustees for either of the above-mentioned institutions and it is desirable to appoint Trustees for the purpose of giving effect to the intentions of the above-named testator.

1 Short Title

This Ordinance may be cited and referred to as the Dempsey Trust Ordinance 1873.

2 Appointment of Trustees

The following persons are hereby appointed Trustees of the Dunedin Hospital and the Otago Industrial School for the purpose of receiving and investing the above-mentioned bequest and disbursing the income thereof and of giving effect to the purposes of the testator, namely James Macandrew Esquire, Superintendent of the Province of Otago, Henry Houghton of Dunedin, merchant, Alfred Rowland Chetham Strode of Dunedin, gentleman, and George Duncan of Dunedin, mill owner:

Provided always that nothing herein contained shall be held to confer upon the said Trustees or their successors any right or power to interfere with the management of the said institutions or either of them.

3 Vacancies may be filled by Superintendent

It shall be lawful for the Superintendent of the Province of Otago when and so often as any of the said Trustees shall die, resign, or become incapable to act in the said trust either from absence from the Province of Otago or any other cause of the sufficiency whereof the said Superintendent shall be sole judge to appoint one or more trustees in lieu of such Trustee or Trustees as shall cease to act as aforesaid.

4 Application of trust funds

The said Trustees and their successors shall hold the said bequest and the income and profits thereof upon trust in the first place to apply the sum of \$14 annually in keeping in repair the tomb of the wife of the said William James Dempsey in East Brighton Cemetery Victoria and that of the said William James Dempsey in the Dunedin Cemetery and in the second place after payment of all necessary expenses in connection with the said trust to apply the residue of the said income and profits in the proportions mentioned in the said will and codicil to the relief of destitute and friendless patients

in the Dunedin Hospital by providing them with such extra comforts as may be deemed advisable and assisting them when discharged from the said Hospital and to the benefit of the inmates of the said Industrial School by awarding prizes or assisting any of them when leaving the said Industrial School or in such other manner as said Trustees shall deem fit.

5 Trustees may act for any other bequest

It shall be lawful for the said Trustees to act as trustees for any other charitable bequest to the hereinbefore mentioned or any other institution.