

# **Kaitangata and Wangaloa Athenaeums Reserves Act 1879**

Local Act 1879 No 34  
Date of assent 19 December 1879

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**An Act to vest in Trustees certain Public Reserves at Kaitangata and Wangaloa, in the Provincial District of Otago, for the purposes of an Athenaeum at the aforesaid places respectively.**

### **Preamble**

WHEREAS the lands described in the Schedules hereto have been granted to the Superintendent of Otago, upon trust as an endowment for an Athenaeum at Kaitangata and Wangaloa respectively: And whereas it is expedient to vest the said lands in Trustees for the purposes aforesaid:

**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 is The Kaitangata and Wangaloa Athenaeums Reserves Act 1879.

**2 Lands in Schedules vested in Trustees**

On the passing of this Act,—

The land described in Schedule 1 hereto shall, without any conveyance, be vested in a Board of Trustees consisting of the following persons: William Aitcheson, Joseph Robertson, and William Shore; and

The land described in Schedule 2 hereto shall, without any conveyance, be vested in a Board of Trustees consisting of the following persons: Robert Beattie, John Haggart, and Alexander Mitchell.

The said lands respectively shall be held by the persons in whom they are hereby respectively vested for the purposes of this Act.

**3 Incorporation of Trustees**

The Board of Trustees first above named shall be a body corporate by the name of “The Trustees of the Kaitangata Athenaeum”. The Board of Trustees secondly above named shall be a body corporate by the name of “The Trustees of the Wangaloa Athenaeum”. Each Board of Trustees above named shall respectively have perpetual succession and a common seal, and with full power and authority by their respective corporate name to sue and be sued in all Courts whatsoever, and shall be capable in law for the purposes of and subject to this Act to do and suffer all such acts and things as bodies corporate may do and suffer, with power to take and hold all such lands, tenements, or hereditaments as may be in any manner vested in such Boards of Trustees either as sites for Athenaeums or for any other purpose in connection therewith.

**4 Power to borrow**

It shall be lawful for the said Boards of Trustees for the time being respectively from time to time to borrow money by way of mortgage, without power of sale, on the lands hereby vested in them respectively, and on any other real or personal estate of such body corporate now or hereafter to be acquired by gift, purchase, or otherwise, and to execute all necessary mortgages, deeds, or instruments. The moneys so borrowed shall be applied in the erection of buildings and tenements on the land of the body corporate by whom such money is borrowed, or in the payment of any moneys for the erection or alteration of buildings for the use of the said Athenaeums respectively.

Provided that no money shall be so borrowed except with the consent of a majority of the members of the Athenaeum so proposing to borrow, who shall be present at a meeting which shall be convened by notice advertised at least once in each of four consecutive weeks in a newspaper published or circulating in the district within which such Athenaeum is situated. Such notice shall specify the business to be transacted at the meeting, and shall fix a time and place for the holding of such meeting, such time not being less than one month from the date of the first of such advertisements.

**5 Power to lease**

The said Boards of Trustees for the time being respectively are hereby empowered to lease or let the aforesaid lands or any part thereof or any buildings thereon, and also any other real or personal property which each such body corporate may from time to time hereafter acquire either by gift, purchase, or otherwise, for any term not exceeding twenty-one years, to take effect in possession and not in reversion, at such rents and under and subject to such powers, provisoes, covenants, and conditions as such body corporate may determine.

**6 Mortgagee, etc, not concerned as to consent, etc**

No mortgagee, lessee, or other person dealing with either of the said Boards of Trustees shall be concerned to inquire into the necessity or propriety of any such mortgage or lease, or whether any resolution has been passed or notice or

advertisement given, or be concerned to see to the application of the mortgage moneys or rents, or be answerable for the misapplication or non-application thereof.

**7 Application of rents**

The said Boards of Trustees for the time being respectively shall apply the rents, profits, and annual income, after paying the interest upon money borrowed and the expenses of management, in or towards the objects and purposes of such bodies corporate respectively.

**8 Vacancies—Proviso**

If any of the said Trustees shall resign, or shall be absent for twelve months from the Provincial District of Otago, or shall be adjudicated a bankrupt or insolvent, or take the benefit of any Act for the relief of debtors, or shall be convicted of any felony, or become insane, he shall cease to be a member of the Trust, and the Governor may, in case of such vacancy, or in case of the death of any Trustee, appoint another in his place: Provided that after the constitution of an Athenaeum such vacancies shall be filled up by vote of the members of such Athenaeum in meeting assembled.

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## Schedule 1

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Kaitangata District, containing by admeasurement three hundred and four (304) acres and thirty-eight (38) poles, more or less, being Sections numbered respectively three (3) and six (6), Block three (III), on the map of the said district. Bounded towards the North by Section No 2 and a road line, three thousand six hundred and ninety (3690) links; towards the North-east by a road line, six thousand seven hundred (6700) links; towards the South by Section No 8, seven thousand three hundred and twenty (7320) links; and towards the West by Sections numbered respectively 4 and 5, five thousand two hundred and eighty (5280) links.

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## **Schedule 2**

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Kaitangata District, containing by admeasurement two hundred and fifteen (215) acres three (3) roods and twenty-six (26) poles, more or less, being Sections numbered respectively eight (8) and one of ten (1 of 10), Block three (III), on the map of the said district. Bounded towards the North by Section No 6, seven thousand three hundred and twenty (7320) links; towards the North-east by a road line, one thousand one hundred and seventy-seven (1177) links; towards the East by a road line, one thousand three hundred and seventy (1370) links, also by Section No 2 of 10, one thousand five hundred and thirty (1530) links; towards the South by Section No 2 of 10, two thousand three hundred and sixty (2360) links, also by a road line, two thousand six hundred and twenty (2620) links and one thousand eight hundred and fifty-eight (1858) links; towards the South-west by a road line, two thousand five hundred and fifty-five (2555) links; and towards the West by Section No 5, one thousand five hundred and fifty-eight (1558) links.