

Napier Odd Fellows' Lodge Site Act 1889

Private Act 1889 No 4
Date of assent 2 September 1889

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An Act to authorise the Members of the Loyal Napier Lodge, Number Four thousand five hundred and ninety-six, Hawke's Bay District, Independent Order of Odd Fellows, Manchester Unity, to hold the Meetings of their Lodge at other Places within the Borough of Napier than on Town Section Number One hundred and twelve, Napier, and to deal with said Town Section.

Preamble

WHEREAS, by Crown grant dated the fourteenth day of April, one thousand eight hundred and sixty-two, town section number one hundred and twelve, Napier, in the Provincial District of Hawke's Bay, was, *inter alia*, granted to the Superintendent of the said Province of Hawke's Bay and his successors in trust for purposes, of public utility: And whereas, by an ordinance of the Superintendent and Provincial Council of the said province, session eighteen, number four, entitled "The Odd Fellows' Hall Act", it was enacted

that it should be lawful for the said Superintendent to sell the said town section number one hundred and twelve, Napier, by private contract to the trustees of the said Napier Lodge as a site for the hall of the said lodge, and execute a proper deed of conveyance of the said land to the said trustees: And whereas, by deed of conveyance bearing date the fifth day of March, one thousand eight hundred and seventy-four, made between the Superintendent of the said province and the trustees of the said lodge, for the consideration of the sum of money paid as therein mentioned the said land was conveyed to the trustees of the said lodge and their successors, trustees for the time being of the said lodge, upon trust, to be used as a site for the hall of the said lodge, and not for any other purpose whatsoever, and the said deed provided that if the trustees for the time being of the said lodge should at any time dispose of the said land or any part thereof, or if the rent of the said land, or of any buildings erected thereon, or proceeds therefrom, should be appropriated for any other purposes than those of the said lodge, then the land and hereditaments should thereupon become charged with the payment to the Government for the time being of the said Province of Hawke's Bay of such a sum or price of the said land as might be determined by arbitration, as therein mentioned: And whereas, some time subsequently to the vesting of the said land in the said trustees, the trustees of the said land erected a hall on a portion of the said land, and a portion of the said land on which the hall was erected was, on the first day of September, one thousand eight hundred and seventy-seven, leased for a period of thirty-five years at an annual rental of two hundred dollars, the said trustees reserving to themselves the right to occupy the said building for two days annually for Oddfellowship purposes, and the said hall has now been converted into a theatre: And whereas a lodge-room has been erected on a portion of the said land, which is now inadequate for the purposes of the said lodge: And whereas the trustees of the said lodge have purchased a piece of land in a more convenient part of the said Town of Napier, and the lodge are desirous to erect a lodge-room thereon for holding their meetings, and to let the remaining portion of the said town section number one hundred and twelve, the whole of the rents and profits to be paid to the Sick and Funeral Fund of the said lodge: And whereas doubts have arisen as to the power of the said lodge to vacate the said land

without invalidating or prejudicing their title to the said land, and it is expedient that such doubts should be removed:

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

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 Napier Odd Fellows' Lodge Site Act 1889.

2 Napier Lodge, No 4596, IOOF, MU, may cease to use Section 112, Town of Napier, as site for hall

It shall be lawful for the members of the Napier Lodge, number four thousand five hundred and ninety-six, Independent Order of Odd Fellows, Manchester Unity, to cease to use the said land known as Napier town section number one hundred and twelve, or any part thereof, as a site for the hall of the said lodge.

3 May lease same

It shall be lawful for the members of the said lodge to demise or lease the said land for any period not exceeding ninety-nine years, or to retain the same in their own hands and use the same for any purpose approved of by the members of the said lodge by resolution passed by them in accordance with the rules and by-laws for the time being of the said lodge; but it shall not be lawful for the members of the said lodge to sell the said land or any part of it, or to dispose of the same or any part of it, otherwise than by lease for any period not exceeding ninety-nine years.

4 Title of lodge not prejudicially affected by so doing

Notwithstanding the exercise by the members of the said lodge of all or any of the powers herein contained, the said land shall not become charged with the payment of any sum or

sums of money in consequence of the provisions of the said deed bearing date the fifth day of March, one thousand eight hundred and seventy-four, or otherwise, nor shall the title of the said lodge to the said land be invalidated or in any way prejudicially affected by the exercise of all or any of such powers.

5 Application of rents and profits

All rents and profits to be derived from the said land shall be devoted exclusively to the purposes of the Sick and Funeral Fund of the said lodge.

6 Other provisions of conveyance remain in full force

In all other respects the proviso in the said deed of conveyance, set out in the preamble hereto, as to the misappropriation of the rents or the sale of the land shall be and remain in full force and effect; but the title of any lessee of the said land or any portion thereof, under the power of leasing hereinbefore given, shall not be prejudicially affected by any breach or non-performance by the said lodge of any of the covenants or conditions contained or implied in the said deed or in this Act.