

New Zealand.



ANALYSIS

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1899, No. 20.—*Local.*

Title	AN ACT to enable the Trustees for the Time Being of the Christchurch Domains Trust Fund from Time to Time to pay to the Christchurch Domains Board Sums of Money out of the Capital of the said Trust Fund. <i>[13th October, 1899.]</i>
Preamble	WHEREAS by deed bearing date the thirtieth day of May, one thousand eight hundred and seventy-nine, and made between the Chairman, Councillors, and Inhabitants of the Selwyn County (therein referred to as "the Council") of the first part, Peter Cunningham, Edward Cephas John Stevens, and Joseph Gould (all therein described and therein called "the Trustees") of the second part, and the Canterbury Public Domains Board, constituted under and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Canterbury Public Domains Act, 1872," and a Proclamation of His Excellency George Augustus Constantine, Marquis of Normanby, Governor of the Colony of New Zealand, and dated the first day of November, one thousand eight hundred and seventy-eight (and therein called "the Board"), of the third part, after reciting that the Council, having in hand the sum of three thousand pounds for the purpose of forming a perpetual endowment for the said Board, had, at the request of the said Board, determined and resolved that the same should be invested in the names of Trustees, so that the income thereof might be paid by them to the said Board, to the intent that the said Board might apply the same for the purposes and objects mentioned and expressed in "The Canterbury Public Domains Act, 1872," and that the said Council had at such request paid the said sum of three thousand pounds into the hands of the Trustees, to be held by them upon the trusts therein declared, it was witnessed, and agreed, and declared by the said several parties thereto that the Trustees should stand possessed of the said sum of three thousand pounds upon trust, to invest the same as therein mentioned, and to pay the income thereof to the said Board; and it was further

declared that the Board should at all times for ever thereafter apply the said income in managing, administering, and improving the lands named in the Schedule to "The Canterbury Public Domains Act, 1872," and generally towards carrying into execution the purposes and objects of the said last-mentioned Act in respect of the said lands :

And whereas Henry Herbert Pitman has been appointed a Trustee in the place of Peter Cunningham, deceased :

And whereas by "The Public Domains Act, 1881," the lands named in the Schedule to "The Canterbury Public Domains Act, 1872," were declared to be subject to the provisions of "The Public Domains Act, 1881" :

And whereas by an Order in Council dated the ninth day of February, one thousand eight hundred and ninety-five, made in exercise of the powers in that behalf granted to him by "The Public Domains Act, 1881," His Excellency the Governor of the Colony of New Zealand delegated his powers under the said Act, with the exceptions therein mentioned and set out, to the persons named therein, who should be known as the Christchurch Domains Board ; and such delegation was made only in reference to the parcels of land described in the Schedule thereto, and subsequently described in the Schedule to "The Public Domains Act 1881 Amendment Act, 1895" :

And whereas the income derived from the investment of the said Trust Fund has from time to time been paid by the Trustees to the Christchurch Domains Board, but for some years past the income so received by the said Board has been reduced, and, together with rents from other sources, has not been sufficient for the requirements of the Board in managing, administering, and improving the Christchurch Domains :

And whereas, in consequence of the reduction in income as aforesaid, the Christchurch Domains Board has unavoidably incurred a debt of two hundred pounds, the whole of which sum has been used in managing, administering, and improving the Christchurch Domains :

And whereas it is probable that in future the income derivable from the said Trust Fund, together with the rents from other sources, will not be sufficient to provide for the proper management of the Christchurch Domains :

And whereas it is in the interests of the public of Canterbury that the Christchurch Domains Board should have a sufficient income to enable it properly to manage, administer, and improve the Christchurch Domains :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Christchurch Domains Trust Indemnity Act, 1899." Short Title.

2. In the construction of this Act,—

"The Trustees" means Edward Cephas John Stevens, Joseph Gould, and Henry Herbert Pitman, or other the Trustees for the time being of the deed of trust dated the thirtieth day of May, one thousand eight hundred and seventy-nine :

Interpretation.

“The Board” means the persons named in a certain Order in Council dated the ninth day of February, one thousand eight hundred and ninety-five, and therein constituted as the Christchurch Domains Board, or other the persons from time to time appointed by His Excellency the Governor to be his delegates in pursuance of the provisions of “The Public Domains Act, 1881,” so far as they affect the lands known as the Christchurch Domains:

“The Trust Fund” means the capital sum of three thousand pounds and the securities for the time being representing the same which are vested in the Trustees for the time being of the deed of trust bearing date the thirtieth day of May, one thousand eight hundred and seventy-nine.

Trustees authorised
to pay Board.

3. The Trustees shall pay and they are hereby authorised, out of the Trust Fund, to pay to the Board the sum of two hundred pounds, being the debt so incurred by them as aforesaid.

Further sums
authorised to be
paid

4. In addition to any moneys which the Trustees may from time to time pay to the Board by way of income under the trusts of the deed of the thirtieth day of May, one thousand eight hundred and seventy-nine, the Trustees shall pay and they are hereby authorised, out of the Trust Fund, to pay to the Board all such sums of money, not exceeding five hundred pounds sterling, inclusive of the sum of two hundred pounds sterling authorised by section three hereof, in the current year, and three hundred pounds sterling in each succeeding year till the fund is extinguished, as the Board shall from time to time, by notice in writing signed by its Chairman for the time being, addressed to the Trustees, require; and the receipt of the Board, signed by its Chairman for the time being, for all and every sums and sum of money so paid shall be a full and sufficient discharge to the Trustees therefrom, and from being bound to see to the application, or being answerable for the loss or misapplication thereof.