

Mr. G. Hutchison.

THE JAMES MITCHELL TRUST.

[LOCAL BILL.]

ANALYSIS.

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| Title. | 3. Empowering Taranaki Hospital and Charitable Aid Board to receive and expend same in building hospital ward. | |
| Preamble. | | |
| 1. Short Title. | 4. Ward to be called "James Mitchell Ward." | |
| 2. Empowering Hawera Borough Council to hand over fund. | | 5. Release of Hawera Borough Council. |

A BILL INTITULED

AN ACT to enable the Hawera Borough Council to hand over to the Taranaki Hospital and Charitable Aid Board a certain Sum of Money for the Purpose of erecting a Hospital Ward.

- 5 WHEREAS by deed-poll made on the fourth day of March, one thousand eight hundred and ninety, under the hand and seal of Rachel Stephenson, of St. John's, New Brunswick, it was declared that the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Hawera and their successors should stand possessed of the sum of Two hundred pounds (paid by the said Rachel Stephenson to the said Corporation) upon trust to expend the same in the erection of an hospital ward, to be called and known as "The James Mitchell Ward," such hospital ward to be erected either within the boundaries of the borough, or within one quarter of a mile therefrom, upon land vested in the said Corporation upon the same trusts as were by such deed-poll declared in respect of the charity intended to be thereby founded: And whereas it was further by the said deed-poll provided, amongst other things, that the said Corporation might invest the said sum until other funds should be available, either from public subscription or other sources, sufficient to enable a larger building to be erected, and sufficient to enable the charity to be carried out efficiently as regards adequate attention to and nursing of the inmates, and the supply of sufficient and proper furniture and bedding, and food and medicine to them: And whereas it was further provided by the said deed-poll that the charity so founded should be under the sole control of the said Corporation: And whereas thereafter various sums of money were raised for the purpose of founding an hospital in Hawera, and such sums were handed over to the Taranaki Hospital and Charitable Aid Board: And whereas the said moneys were by the said Board expended in

the erection of an hospital upon land in the Borough of Hawera conveyed to the said Charitable Aid Board for the purpose by the Hawera Borough Council, pursuant to "The Hawera Borough Council Enabling Act, 1893": And whereas the Hawera Borough Council, being desirous of handing over the said trust fund to the said Taranaki Hospital and Charitable Aid Board, have applied to the said Rachel Stephenson for leave to do so: And whereas by deed-poll made on the twenty-ninth day of January, one thousand eight hundred and ninety-four, the said Rachel Stephenson did declare that the said Corporation of the Mayor, Councillors, and Burgesses of the Borough of Hawera aforesaid shall stand possessed of the sum of Two hundred pounds in trust to pay the same over to the Taranaki Hospital and Charitable Aid Board for the purpose of erecting a ward to the said hospital, such ward to be called "The James Mitchell Ward": And whereas it is desirable that the said fund of Two hundred pounds, and all accumulations of income derived from the investment thereof, should be paid over by the Hawera Borough Council to the said Taranaki Hospital and Charitable Aid Board for the purpose aforesaid: And whereas doubts have arisen as to the power of the Hawera Borough Council to so pay over the said funds:

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

Short Title.

1. The Short Title of this Act is "The James Mitchell Trust Act, 1894."

Empowering
Hawera Borough
Council to hand
over fund.

2. The Hawera Borough Council, acting for and on behalf of the said Corporation of the Mayor, Councillors, and Burgesses of the Borough of Hawera, is hereby empowered to pay over to the Taranaki Hospital and Charitable Aid Board the sum of Two hundred pounds so paid by the said Rachael Stephenson as aforesaid, and all accumulations derived from investment thereof, after first deducting and paying thereout all costs, charges, and expenses incurred by the Hawera Borough Council in connection with the said trust, and also in obtaining and promoting this Act, such costs and costs of taxation to be taxed by the Registrar of the Supreme Court at New Plymouth.

Empowering
Taranaki Hospital
and Charitable Aid
Board to receive and
expend same in
building hospital
ward.

3. The said Taranaki Hospital and Charitable Aid Board shall keep a separate account of the said sum of Two hundred pounds, and the accumulated income aforesaid, when handed over to them by the Hawera Borough Council, and all moneys so received shall be expended solely in building, equipping, and furnishing an hospital ward upon the said piece or parcel of land some time since transferred to the said Board by the said Corporation of the Mayor, Councillors, and Burgesses of the Borough of Hawera, pursuant to the powers conferred upon the said Council of the said corporation by "The Hawera Borough Council Enabling Act, 1893."

Ward to be called
"James Mitchell
Ward."

4. The said hospital ward when so erected shall be known as "The James Mitchell Ward," and shall be under the sole control of the said Taranaki Hospital and Charitable Aid Board incorporated under the provisions of "The Hospitals and Charitable Institutions Act, 1885."

5. On payment of the said moneys to the Taranaki Hospital and Charitable Aid Board under and in pursuance of this Act, of which payment the receipt of the Taranaki Hospital and Charitable Aid Board shall be conclusive evidence, the Hawera Borough Council and the
5 said Corporation of the Mayor, Councillors, and Burgesses of the Borough of Hawera shall be absolutely discharged from the burden of the trusts under the said deeds-poll of the fourth day of March, one thousand eight hundred and ninety, and the twenty-ninth day of
10 January, one thousand eight hundred and ninety-four, respectively, by Rachel Stephenson, declared in respect of the same, and shall not be thereafter called upon to account for the said moneys or any part or parts thereof in any Court of law or equity, and shall not be bound to see that the same is properly applied pursuant to this Act.

Release of Hawera
Borough Council.