

**Reprint
as at 3 December 1909**

McLean Institute Act 1909

Local Act 1909 No 8
Date of assent 3 December 1909
Commencement 3 December 1909

Contents

	Page
Title	1
Preamble	
1 Short title	2
2 Incorporation of Institute	2
3 Trustees to convey property to Institute	2
4 Institute to exercise powers of the trustees	2
5 Institute to release the trustees	3
6 First charge to Emily Phillips	3
7 Further assurance of first charge to Emily Phillips	3
8 Clause 3(9) of the will amended	3
9 Appointment of substitutes for certain official members	3
10 Vacancies on the Board in certain cases	4
11 Will as herein amended to remain in force	4

An Act to incorporate the Board of Governors of the McLean Institute

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

Preamble

Whereas Allan McLean, late of Christchurch, gentleman, died on 12 November 1907, having first made his last will and testament, together with 1 codicil thereto, dated respectively 20 July 1904, and 28 November 1906; and the said will and codicil were duly proved in the Supreme Court of New Zealand, at Christchurch, on 21 November 1907, by Henry Cotterill, Boulton Merlin Molineaux, and George Francis Gee, the executors in the said will and codicil named:

And whereas the McLean Institute, mentioned and referred to in the said will, has been formed and is now carrying into effect the provisions of the will so far as the same relate to the said Institute:

And whereas a Board of Governors to the said Institute has been appointed as provided by the said will, and such Institute is under the management and control of such Board of Governors:

And whereas it has been deemed advisable, in accordance with the express wish of the testator, to incorporate the said Institute as a body corporate with perpetual succession and common seal:

And whereas George McLean, one of the annuitants mentioned in the said will, predeceased the testator:

And whereas the incorporation of the said Board as a body corporate with perpetual succession and common seal are not attainable otherwise than by legislation.

1 Short title

This Act may be cited as the McLean Institute Act 1909.

2 Incorporation of Institute

The said Board, as constituted by the said will, is hereby incorporated under the name of the McLean Institute (hereinafter referred to as **the Institute**) as a body corporate with a perpetual succession and a common seal.

3 Trustees to convey property to Institute

The trustees for the time being of the said will of the said testator shall forthwith and from time to time convey, transfer, assure, and pay over unto the Institute all institution lands, institution chattels, and institution funds as defined by the said will, to be held by the Institute upon the trusts and with the powers in the said will set forth.

4 Institute to exercise powers of the trustees

The Institute is hereby authorised and empowered to exercise all or any of the powers which the trustees of the said will are thereby directed to exercise at the request of a Board to be set up and constituted in terms of the said will; and, in addition, the Institute is hereby authorised and empowered to exercise all

powers which by the terms of the said will the said Board directed to be constituted by the said will is thereby authorised and empowered to exercise.

5 Institute to release the trustees

Simultaneously with the conveyance, transference, assurance, and payment to the Institute of the institution lands, the institution chattels, and the institution funds, the Institute shall, upon being satisfied in that behalf, execute such deed as the trustees of the will may reasonably require releasing and discharging the said trustees from the duties imposed on them by the said will in connection with such lands, chattels, funds, and property, such deed to be prepared by the solicitors to the trustees at the cost of the Institute.

6 First charge to Emily Phillips

The conveyance, transference, assurance, and payment of the said lands, chattels, funds, and property shall be taken by the Institute subject to a first charge thereon on the annuity of Emily Phillips in the said will mentioned, and subject also to her interest in the testator's real and personal property as in the said will set forth.

7 Further assurance of first charge to Emily Phillips

The Institute shall, contemporaneously with the conveyance, transference, assurance, and payment of the said lands, chattels, funds, and property, execute such document or documents for the purpose of perfecting or otherwise completing such first charge in favour of the said Emily Phillips as the said trustees may reasonably require.

8 Clause 3(9) of the will amended

Clause 3(9) of the said will shall be amended by inserting, immediately before the words "Canterbury College", the words "the Board of Governors of".

9 Appointment of substitutes for certain official members

If any member of the Board, being the Mayor for the time being of the City of Christchurch, or the Chairman for the time being of the Selwyn County Council, or the Chairman for the time being of the North Canterbury Hospital Board or other the institution for the time being having control of the Christchurch Hospital, or the Chairman for the time being of the Board of Governors of Canterbury College, shall refuse or be unwilling to act as a member of the Board, then the City Council, or the Selwyn County Council, or the North Canterbury Hospital Board or other the institution having control of the Christchurch Hospital, or the Board of Governors of Canterbury College, as the case may be, may, by resolution at any meeting of such Councils or Boards respectively, appoint a new member of the Board of Governors of the Institute in place of the Mayor or Chairman, as the case may be, refusing or being unwilling to act, for the residue of the term of office of such Mayor or Chairman, as the case

may be; and the certificate under the hand of such Mayor or of any such Chairman, as the case may be, shall be conclusive evidence that such new member has been duly appointed.

10 Vacancies on the Board in certain cases

In addition to and not in substitution for anything contained in clause 4 of the said will, the office of a woman member of the Board, or of the said Henry Cotterill, or Boulton Merlin Molineaux, or of any member of the Board appointed in pursuance of clause 4 of the will, shall be deemed to be vacated if any such woman member of the Board, or the said Henry Cotterill, or Boulton Merlin Molineaux, or any member of the Board appointed in pursuance of clause 4 of the will, shall refuse or be unwilling or become incapable of acting as a member of the Board.

11 Will as herein amended to remain in force

Nothing in this Act contained shall prejudice or affect the provisions of the said will and codicil, or anything therein contained, except so far as the same are expressly altered or modified by or are inconsistent with this Act, the intention of this Act being that (except to such extent as aforesaid) the said will and codicil shall remain in full force and virtue.

Reprints notes

1 *General*

This is a reprint of the McLean Institute Act 1909 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*