

New Zealand.



ANALYSIS.

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1905, No. 11.—*Local.*

AN ACT to authorise the Trustees of the Eltham Public Hall to sell to the Mayor, Councillors, and Burgesses of the Borough of Eltham a certain Parcel of Land in the said Borough, and to empower the said Mayor, Councillors, and Burgesses to deal with the said Land. Title.

[7th September, 1905.]

WHEREAS by a memorandum of transfer and declaration of trust bearing date the twenty-first day of December, one thousand eight hundred and ninety-one, the parcel of land described in the Schedule hereto was vested in certain Trustees in trust for the inhabitants of the Eltham Village Settlement for the purposes of a site for a public hall, and generally upon and subject to the trusts, powers, and provisions set out in the said declaration of trust: And whereas by an order of the Supreme Court of New Zealand (New Plymouth Registry) bearing date the fifteenth day of October, one thousand nine hundred, new Trustees were appointed, and the said piece of land was vested in G. W. Tayler, C. A. Wilkinson, E. Parrott, W. W. Stanners, L. J. Gilbert, James Boddie, and D. S. Syme (hereinafter referred to as "the Trustees"), who have administered the trust up to the date hereof: And whereas a public hall was erected on the said land by means partly of money publicly subscribed and partly by money provided by the Trustees: And whereas for the purposes of such erection, and generally of the administration of the trust, the Trustees have incurred liabilities amounting to one hundred and seventy-five pounds: And whereas the said land is no longer suitable for the purposes of the said trust: And whereas the Eltham Village Settlement is now absorbed by and incorporated into the Borough of Eltham: And whereas it is expedient and advisable, in the interests of the public of Eltham, that the said piece of land should be transferred to the Eltham Preamble.

Borough Council, and that the Council should be given such powers of disposition over the same as are hereinafter contained: And whereas the Trustees have agreed with the Eltham Borough Council to sell the said land to the Eltham Borough Council, free from all liabilities, for the sum of one hundred and seventy-five pounds, conditionally upon the necessary legislative authority in that behalf being obtained:

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 Eltham Public Hall Act, 1905.”
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
“Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Eltham, as constituted under “The Municipal Corporations Act, 1900”;
“the said land” means the land described in the Schedule hereto.
- Trustees empowered to sell and Corporation to purchase.** 3. It shall be lawful for the Trustees to sell and transfer to the Corporation and for the Corporation to purchase and accept a transfer of the said land, free of encumbrances, for the price or sum of one hundred and seventy-five pounds, which sum the Corporation is hereby empowered to pay to the Trustees accordingly; and upon registration of such transfer in the District Land Registry at New Plymouth the fee-simple in possession of the said land shall vest in the Corporation, freed and discharged from any trust affecting the same.
- Powers of Corporation.** 4. The Corporation is hereby authorised (anything in “The Municipal Corporations Act, 1900,” or any other Act to the contrary notwithstanding)—
(a.) To hold and maintain the said land and building for such period as to the Corporation may seem proper, and use the same for any of the purposes of the Corporation;
(b.) To lease the said land or any part or parts thereof in manner provided by Part XXI. of “The Municipal Corporations Act, 1900”;
(c.) To remove the building on the said land to any other site belonging to the Corporation, there to be used for any of the purposes of the Corporation;
(d.) To sell the said land and the building thereon or any part or parts thereof, either by public auction, public tender, or private contract, for such consideration by way of cash or exchange, or partly in one way and partly in the other, and upon such terms and conditions, as to the Corporation shall seem proper;
(e.) To execute under the seal of the Corporation all such transfers, leases, assurances, and other documents as shall be necessary or proper in pursuance or exercise of the powers and authorities conferred by this Act.
- Application of moneys by Corporation.** 5. All purchase-money, rents, and other moneys to be received by the Corporation in the exercise of the powers conferred by this Act shall be applied—

- (a.) In payment of all costs and expenses incurred by the Corporation in the course of the exercise of such powers; and
- (b.) In or towards the purchase of land for the purposes of a town-hall site for the Borough of Eltham, or in or towards the erection of a town hall upon any other land belonging to the Corporation.

6. The Trustees shall apply the said sum of one hundred and seventy-five pounds, and also all moneys which shall come to their hands in the course of realisation of rents and other debts due to the Trustees at the date of the sale authorised by section three of this Act,—

Application of purchase-money by Trustees.

- (a.) In payment and discharge of all liabilities of and incidental to the administration of the said trust; and
- (b.) In payment of surplus (if any) of such moneys to the Corporation, to be applied in manner provided by section five of this Act.

7. Upon and subject to the discharge of the obligations imposed upon them by section six of this Act, the Trustees shall be and are hereby discharged and exonerated from the trusts of the said declaration of trust of the twenty-first day of December, one thousand eight hundred and ninety-one; and the said trusts shall be and are, subject as aforesaid, hereby dissolved.

Dissolution of trust

SCHEDULE.

Schedule.

ALL that parcel of land in the Taranaki Land District, situate in the Borough of Eltham, containing by admeasurement 14·6 perches, more or less, being Sub-division 2 of Section numbered Seven (7) on the official map of the Township of Eltham, deposited in the District Lands and Survey Office at New Plymouth, and being the whole of the land comprised and described in the certificate of title registered in the Register-books of the District Land Registrar at New Plymouth, in Volume xxiv., folio 68.