

New Zealand.



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1909, No. 8.—*Local.*

AN ACT to incorporate the Board of Governors of the McLean Institute. Title.
[3rd December, 1909.]

WHEREAS Allan McLean, late of Christchurch, gentleman, died on the twelfth day of November, nineteen hundred and seven, having first made his last will and testament, together with one codicil thereto, dated respectively the twentieth day of July, nineteen hundred and four, and the twenty-eighth day of November, nineteen hundred and six; and the said will and codicil were duly proved in the Supreme Court of New Zealand, at Christchurch, on the twenty-first day of November, nineteen hundred and seven, 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:

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

Incorporation of Institute.

2. 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.

Trustees to convey property to Institute.

3. 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.

Institute to exercise powers of the trustees.

4. 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.

Institute to release the trustees.

5. 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.

First charge to Emily Phillips.

6. 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.

Further assurance of first charge to Emily Phillips.

7. 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.

Clause 3, sub-clause (9), of the will amended.

8. Clause three, subclause nine, of the said will shall be amended by inserting, immediately before the words "Canterbury College," the words "the Board of Governors of."

Appointment of substitutes for certain official members.

9. 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. In addition to and not in substitution for anything contained in clause four 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 four 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 four of the will, shall refuse or be unwilling or become incapable of acting as a member of the Board.

Vacancies on
the Board in
certain cases.

11. 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.

Will as herein
amended to remain
in force.