

No. IX.

AN ACT to authorize a certain piece of Land situate at Patumahoe, within the Provincial District of Auckland, to be vested in Trustees, in trust for Volunteers and Others. PATUMAHOE HALL
SITE.
—

[17th October, 1878.]

WHEREAS a hall has been built on the land particularly described in the Schedule hereto, partly by funds contributed Preamble.

LOCAL.

Patumahoe Hall Site.

by Volunteer corps, partly by contributions from the public, and partly by aid from the Government: And whereas it is expedient that the aforesaid land should be vested in certain Trustees for the use of Volunteers and of the public generally:

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 shall be “The Patumahoe Hall Site Act, 1878.”

Trustees incorporated.

2. The following persons, namely, Major Daniel Henderson Lusk, Captain James Mellsop, Henry Wilson Hill, Esquire, Heywood Crispe, Esquire, and Charles Kavanagh, Esquire, all of Patumahoe, within the Provincial District of Auckland, and all such other persons as shall be hereafter appointed Trustees under the provisions of this Act, and their successors, shall be and they are hereby constituted a corporate body in fact and in law by the name and style of “The Trustees of the Patumahoe Hall,” and by that name they and their successors shall have perpetual succession and a common seal, with full power and authority by the same name and style to sue and be sued, plead and be impleaded, defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever, with power to take, purchase, and hold to them and their successors all real or personal property whatsoever, as may be granted, conveyed, or transferred to and vested in them, and also to do all other matters and things incidental and appertaining to a corporate body, subject nevertheless to any provisions in this Act contained affecting such powers.

Governor may remove Trustees. Trustees may resign. Resignation, &c., of Trustees.

3. The Governor may, by notice in the *New Zealand Gazette*, remove any Trustee from his office. Any Trustee may resign his office.

4. So often as any of the Trustees named in section two, or hereafter to be appointed, shall die, become bankrupt, resign, become incapable to act, or be removed, or absent from the Provincial District of Auckland for the space of twelve consecutive months, it shall be the duty of the Governor to appoint, permanently or temporarily as occasion may require, another fit and proper person or persons to be a Trustee or Trustees in the room and stead of the Trustee or Trustees so dying, resigning, becoming bankrupt, incapable, or being absent as aforesaid. The *Gazette* containing the notice of the removal, resignation, or appointment of a Trustee shall be conclusive evidence of such removal, resignation, or appointment.

Reserve to be granted to Trustees.

5. It shall be lawful for the Governor to grant, convey, transfer and assure the said parcel of land described in the Schedule hereto to the Trustees of the Patumahoe Hall (hereinafter referred to as “the Trustees”), and their successors, in trust, for the use of Volunteer corps and the public generally, subject nevertheless to the powers, provisions, and conditions herein expressed and declared.

Any such grant, conveyance, or assurance may, if the land is under “The Land Transfer Act, 1870,” be registered under that Act, notwithstanding trusts are expressed therein. No sale, mortgage, lease, or other disposition of the said land, or any part thereof, shall be made except such as is expressly authorized by this Act.

Application of rents, profits, &c.

6. All moneys coming to the Trustees under this Act shall be applied by them in and towards the improvement of the said land and of the buildings thereon, and in keeping the same in repair and rendering the same suitable for the purposes aforesaid.

Power to make, &c., by-laws.

7. A meeting of the Trustees may be convened by any two Trustees by notice delivered personally to the other Trustees, or published once in some newspaper circulating in the Manukau County, seven days at least before the day for holding such meeting, or in such

Patumahoe Hall Site.

LOCAL.

other manner as the Trustees shall by by-law appoint. A majority of the Trustees present at a meeting, or an adjournment thereof, may make, alter, and revoke by-laws providing for the times and places of meetings and the proceedings thereat, and for the appointment of a Chairman, and that such Chairman shall have a casting as well as an original vote, and providing for the times, terms, and conditions when and subject to which the said hall and premises shall be used by Volunteer corps and others, and may fix reasonable charges to be paid for such use.

8. A copy of the by-laws, and of all amendments made therein, certified by the Chairman of the meeting, shall be deposited with the Colonial Secretary, and, if approved of by him, shall take effect from the date of such approval.

Deposit copy of
by-laws for
inspection.

9. Such by-laws may impose a fine not exceeding one pound on any person contravening the same.

Fines for breach of
by-laws may be
imposed.

10. Any such fine, if incurred, and any sum of money which any person has agreed to pay for the use of the said hall and premises, may be recovered by the Trustees by action in any Court of competent jurisdiction. All fines and charges, when recovered, shall belong to the Trustees, to be applied as specified in section six.

Recovery of fines,
subscriptions, &c.

11. In any such action a copy of any by-law, being certified as a correct copy of such by-law by any two Trustees, shall be *prima facie* evidence of such by-law.

Evidence of by-laws.

SCHEDULE.

Schedule.

ALL that parcel of land containing three (3) acres one (1) rood and twenty (20) perches, more or less, and being Lot No. 36 of Suburban Section No. 2, in the Settlement of Patumahoe, Parish of Pune, in the Provincial District of Auckland. Bounded on the North by Lot No. 34, 735 links; East by Lot 34 aforesaid, 668 links; South-west by a road line, 845 links; and West by Lot No. 33, 252 links: be all the aforesaid linkages a little more or less.
