

New Zealand.

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1883, No. 15.

AN ACT to amend "The Volunteer Act, 1881."

[8th September, 1883.]

Title.

WHEREAS in certain cases real or personal property is held by Trustees or others on behalf of persons who were Volunteers in a corps which has been disbanded, but there being no reliable records now in existence of the names of those who were members of such corps when they were so disbanded, and the addresses of many of such members being now unknown, it is impossible for such Trustees or other persons to deal with such property without incurring considerable personal risk and responsibility: And whereas other like cases may from time to time occur, where the persons entitled to such property, or some of them, are either unknown or cannot be found, or where there are no Trustees of such property, or other circumstances exist which prevent such property being realized or disposed of, and it is therefore desirable to provide a means for dealing with such property in the manner hereinafter provided:

Preamble.

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

1. The Short Title of this Act is "The Volunteer Act 1881 Amendment Act, 1883." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

"Property" means real or personal property of any kind vested in Trustees as herein defined, and includes securities in which such property is now invested, or the net proceeds of such property after sale or realization thereof, and also

any moneys in the possession of or under the control of the Trustees as such :

“ Trustees ” means the Trustees of any property held in trust for or on behalf of a Volunteer corps which has been disbanded, or on behalf of the persons who formerly composed such corps, and are legally entitled to such property or any share therein, and includes the survivors of such Trustees or a sole Trustee where only one surviving :

“ This Act ” includes regulations made thereunder.

Governor in Council may make regulations for investigating claims to property of a disbanded corps.

3. Whenever it shall be represented to the Governor in Council that any property is held by Trustees in the manner hereinbefore mentioned he may, in the manner prescribed by “ The Volunteer Act, 1881,” make regulations for all or any of the following purposes ; that is to say,—

- (1.) Appointing a Board of officers or other persons, as he thinks fit, to investigate the claims of any person or persons entitled to any such property, or any share or interest therein, according to the rules of the corps to which such property belonged, or otherwise ;
- (2.) Prescribing the time and manner within which lists of persons so entitled shall be prepared, so far as they can be ascertained, and the mode in which and the places at which such lists shall be publicly notified in the colony ;
- (3.) Prescribing the date when such claims shall be investigated, and the mode and time within which any objections to any such claim may be made ;
- (4.) Directing in what manner and to whom any Trustees shall furnish accounts or information as to the property in their possession or control, and how any list or lists of such persons shall be finally settled and approved of ;
- (5.) Directing when and where a meeting of such persons as aforesaid shall take place, and prescribing the procedure at such meeting and any adjournment of any such meeting for the settlement of a scheme for the sale, transfer, conversion, or other realization or disposition of such property or any part thereof, and who may vote at any such meeting or adjournment ;
- (6.) Generally any other regulation or direction which the Governor in Council may deem necessary to give effect to this Act, and not being contrary to any express provision thereof.

All such regulations may be varied or altered, and when made, or varied, or altered shall be deemed regulations under “ The Volunteer Act, 1881.”

Certificate of chairman of meeting to be conclusive.

4. A certificate, under the hand of the person purporting to be the chairman of such meeting, stating the resolutions passed thereat, shall for all purposes be conclusive proof of such meeting having been duly convened and of all such resolutions having been duly passed thereat.

If no meeting held Trustees may convey property to Public Trustee.

5. If, from any cause whatever, any meeting shall not be held in accordance with such regulations, or if no resolutions directing how the property is to be realized, sold, converted, or otherwise disposed

of shall be passed, or if, from any cause whatever, the Trustees shall not, within three months from the date of such meeting, be able to realize, sell, convert, or otherwise dispose of the property as directed by such meeting, the Trustees may convey or assign and transfer such property to the Public Trustee.

If the realization, sale, conversion, or other disposal of such property has not been directed in any particular way by such meeting, the Public Trustee shall realize, sell, or convert such property and, after paying all expenses incidental thereto, shall divide the net proceeds equally between and amongst the persons declared to be entitled thereto, or shall otherwise dispose of the same in accordance with the resolution passed at such meeting; or, if no such meeting has been held, in such way as the Public Trustee may decide, subject to the approval of the Governor in Council.

6. If any Trustees have died prior to the passing of this Act, or shall hereafter die before acting hereunder, or refuse to act in accordance with the provisions of this Act, the remainder of the Trustees may nevertheless act as fully and effectually for the purposes of this Act as if none of the Trustees had died or refused to act.

7. Any acts or thing required or authorized to be done or executed by Trustees under or by virtue of this Act shall be valid and effectual if made or done by a quorum of such Trustees in cases where such a quorum is in existence, according to any rules, deed, or instrument relating to such property and binding on the Trustees; and if there shall be no such quorum, then by the majority of such Trustees resident in the colony and capable of acting, or willing to act, under this Act.

8. The Trustees shall realize, sell, convert, or otherwise dispose of any property, or any proceeds thereof, in accordance with any resolution passed at a meeting held under any regulations to be made as aforesaid.

All deeds, instruments, and writings executed by a majority of such Trustees for the purpose of the realization of the said funds or the sale, conveyance, transfer, or other disposition of any property shall be as effectual as if the same had been executed by all such Trustees and by all the persons in whose names such securities were originally taken.

9. If any money shall remain in the hands of any Trustees or the Public Trustee under the provisions of this Act which they or he are or is unable to dispose of because there is no claimant thereto, or such claimant cannot be found, or his address is not known, or for any other cause whatsoever, such money shall be paid into the Public Account and form part of the Consolidated Fund.

10. Trustees acting under this Act may be required by the Colonial Treasurer to furnish full accounts of all their dealings with any property subject to this Act, and if any Trustee shall refuse or neglect to render such accounts he shall be liable to a penalty not exceeding one hundred pounds, to be recovered in a summary way.

11. Every sale, transfer, conversion, or other disposition of property or the proceeds thereof by any Trustees in accordance with the resolution of a meeting as hereinbefore provided, or as authorized by this Act, or by the Public Trustee, whether in

His powers.

Trustees may act notwithstanding death, &c.

Acts to be done may be done by quorum.

Powers of Trustees to sell and execute deeds.

Moneys unclaimed or unpaid to be paid into Public Account.

Trustees may be required to furnish accounts to Treasury.

Penalty for neglect.

Carrying-out of resolution to have effect of release.

accordance with any such resolution or in exercise of any power or authority vested in him by or under this Act, shall be final and conclusive on all claimants or persons interested in any property dealt with under this Act, and upon such sale, transfer, conversion, or other disposition being completed the effect thereof shall be to release every such Trustee or the Public Trustee, as the case may be, from all claims and demands whatsoever in respect of any such property or any share or interest therein by or on behalf of all persons whomsoever.

If no Trustees, &c.,
Public Trustee may
be appointed to act.

12. If there shall, in any case coming within the provisions of this Act, be no Trustees, or no Trustees willing to act hereunder, or who shall refuse or neglect so to act for one month after being required to do so by the Colonial Treasurer or by any person entitled in that behalf, the Governor in Council may appoint the Public Trustee to perform and discharge all such duties and functions and do execute, and sign all such acts, things, deeds, and instruments as would have devolved upon or could have been done, executed, or signed under this Act by Trustees or a quorum or majority thereof.