

No. LXIV.

AN ACT to amend "The Walsh and Others Pension Act, 1869." [29th November, 1877.]

WALSH AND OTHERS
PENSION ACT 1869
AMENDMENT.

WHEREAS by section twelve of "The Walsh and Others Pension Act, 1869," it is enacted that it should be lawful, for the purposes

Preamble.

LOCAL.

Walsh and Others Pension Act 1869 Amendment.

of that Act, for the Governor to appoint two or more fit persons to be Trustees, and that upon the death, resignation, or incapacity of any such Trustees, a new Trustee or new Trustees might from time to time be appointed, in the same manner as a new Trustee or new Trustees may be appointed, to act in the trusts created by any deed or will under the powers in that behalf by law directed to be implied in every such deed or will: And by the thirteenth section of the Act now recited, it was also enacted that there should be laid out and set apart for the purposes of such Act, out of any lands in the Provinces of Wellington or Taranaki, or either of them, confiscated or taken as therein mentioned, a block of four hundred acres, and that a grant from the Crown of such land should be issued to the Trustees for the time being acting in the trusts therein referred to, on the execution by them of a deed declaring that the said land is held by them upon the trusts to be in such deed declared, set out, defined, and approved by the Governor, for the benefit of one Ellen Anne Hewett, for her maintenance and the maintenance, education, and benefit of her children therein named:

And whereas on the twenty-ninth day of June, one thousand eight hundred and seventy-one, the Governor did appoint one Edward Lewis and one William Hogg Watt to be Trustees for the said Ellen Anne Hewett and her said children, subject to the provisions of the said in part recited Act: And whereas the said William Hogg Watt and Edward Lewis never executed any such declaration of trust as aforesaid, and the said Edward Lewis, on the thirty-first day of March, one thousand eight hundred and seventy-four, resigned his office of Trustee, and on the twenty-first day of April, one thousand eight hundred and seventy-four, the said William Hogg Watt did the same:

And whereas the children of the said Ellen Anne Hewett, entitled under the said recited Act, are under the age of twenty-one years, and the appointment of new Trustees, as by the said recited Act is provided, would entail great expense to the trust estate, and it is expedient to make the provision hereinafter contained for appointing new Trustees:

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 Walsh and Others Pension Act 1869 Amendment Act, 1877.”

Governor may appoint new Trustees in place of Messrs. Lewis and Watt resigned.

2. The Governor may appoint two or more persons to be Trustees, or the Public Trustee, in the place and stead of the said Edward Lewis and William Hogg Watt, and upon such Trustees executing such deed declaring trusts as is mentioned in the said thirteenth section of the said Act, the Governor shall grant to such Trustees any land set apart as in the said thirteenth section mentioned.

When and by whom new Trustees may be appointed.

3. The power to appoint new Trustees conferred by the twelfth section of the said Act shall be deemed exercisable whenever any Trustees or Trustee shall die, decline to act, resign, or be absent from the colony for the space of six calendar months, or be desirous of being discharged from or become incapable of acting in the trusts, and to be vested in the continuing Trustees or Trustee, or the executors or administrators of the continuing Trustee, or if all the Trustees decline to act, then in such declining Trustees.

Consent of Ellen Anne Hewett in certain cases, and after her death or marriage no consent necessary to appointment of new Trustees.

4. Notwithstanding anything in the twelfth section contained, any appointment of new Trustees other than that made by the Governor under section three of this Act, may be made with the consent in writing of the said Ellen Anne Hewett, and after her death or marriage no consent whatever shall be required to any such appointment.